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THE SCOTTS OF BUCCLEUCH

By

WILLIAM FRASER

IN TWO VOLUMES.

VOL. II.

EDINBURGH 1878.

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Item fatentur eum habere xiij^{xx}x oues matrices, precium pece . .	viij s.
Item fatentur eum habere centum quadraginta nouem equos, precium pece	iij s.
Item fatentur eum habere viginti quatuor vaccas, pretium pece . .	l s.
Item fatentur eum habere octo ly zoung nolt, precium pece . .	xx s.
Item fatentur eum habere quatuor vitulos, precium pece . .	x s.
Item fatentur eum habere in domisiliis et vtensiliis . .	xx merkis.
Item fatentur eum habere in avenis sexaginta bollas, precium bolle	xiij s. iiij d.
Item fatentur eum habere in ordeo viginti quatuor bollas, precium bolle	xx s.
Item fatentur eum habere in frumento quatuordecim bollas, precium bolle	xl s.
Item fatentur eum habere de decimis de Kyrkvrd vij^{xx}iiij bollas farine et bratij, precium bolle	xx s.
Item fatentur eum habere in decimis de Viltoun viginti vnam bollas farine, precium bolle	xxvj s.
Summa bonorum	v^{c}. xlix lib. xix s. viij. d.

Debita que debet aliis.

Item imprimis fatentur eum debere Agnete Denis . .	v lib. xij s.
Item domino Roberto Wilsone curato de Viltoun . .	viij merkis.
Item Jacobo Scott eius seruo	viij merkis.
Item Jacobo Ra eius seruo	xlv s.
Item Roberto Lion fabro farrario in Hawik . . .	xxiiij s.
Item Johanni Clark	xlix s.
Item juniori nutrici	xl s.
Item Helene Scott	iij s.
Item veteri nutrici	v s.
Item Georgio Howburn	iiij lib. iiij s.
Item Petro Denis	xxvj s.
Item Waltero Palmer in Hawik	vij lib. vj d.
Item vxori Phelippi Lidderdaill	xxxv s. iiij d.
Item Waltero Scot in Hawik	vij s. vj d.
Item Jonete Welche	xxxvij s.
Item Villelmo Maknet	v lib. xj s. ix d.

Item Petro Gill	xxxij s.
Item Johanni Bynning calceario	xxxvj s. vj d.
Item ministro de Peblis	lv s.
Item Jonete Weir in Kyrkwrde	viij s.
Item domino de Kauerhill	xl s.
Item Villelmo Robesoun	iiij s. viij d.
Item Margerie Broun	xviij s.
Item Alexandro Ham	v s. vj d.
Item Jonete Farnielaw	xx s.
Item rectori de Viltoun	j^{c} lib.
Item rectori de Kyrkvrd	iiij^{xx}viij lib. ij merkis.
Item Johanni Westoun burgensi de Edinburgh	xix lib. xvij s. ix d.
Item Villielmo Ker burgensi de Edinburgh	xiiij lib. iiij s.
Item Alisone Tarbot	iij lib. iiij s.
Item Thome Broun	xxxiiij lib.
Item domino de Langlandis	xxiiij lib.
Item domino de Gledstanis	xx lib.
Item abbati monasterij de Kalko pro decimis de Fawsyde, Villamhope et Safthauch	xx lib.
Summa debitorum	ij^{c}iiij^{xx}vij lib. vjd.

Nos Johannes Hammiltoun, ecclesie metropolitane Glasguensis canonicus, ac commissarius generalis eiusdem in vim citationis debite a nobis emanate et debite execute, et ex nostro decreto judicialiter facto ac in penam contumacie omnium et singulorum aliorum interesse habentium seu habere pretendencium citatorum, vocatorum, et non comparencium, facimus, constituimus, damus et deputamus suprascriptum Valterum Scott, filium et heredem dicti olim Willelmi sui patris executorem datiuum vnicum in et ad omnia et singula res et bona in suprascripto inuentario descripta, ac eciam ad res et bona omissa relicta seu oblita extra presens inuentarium et dicto olim Willelmo tempore sui decessus spectantia et pertinentia, ac eciam facimus, constituimus, damus et deputamus nobilem virum, Valterum Scott patrem dicti olim Willelmi tutorem dicti Valteri vsque ad eius legitimam etatem, dantes et concedentes ac committentes plenariam potestatem dictis Valtero nostro vnico executori datiuo ac Valtero Scott de Branxholme eius tutori cum suprascriptis rebus et bonis ac ad res et bona extra presens inuentarium oblita seu relicta et dicto olim Willelmo tempore sui decessus spectantia et pertinentia intro-

mittendi, illaque in toto vel in parte a quibuscunque personis illa seu illorum aliquam partem habentibus receptantibus et suis priuatis vsibus applicantibus repetendi, exigendi leuandi et recuperandi, de habitisque, exactis, leuatis et recuperatis quittandi et liberandi, et si necesse fuerit intromissores, detentores, exactores et dispositores huiusmodi propterea, coram quibuscunque dominis judicibus ecclesiasticis vel secularibus vocandi, citandi et in forma juris prosequendi, ceteraque omnia alia et singula faciendi, que in premissis et circa ea necessaria fuerint seu etiam opportuna, et que ad officium executoris datiui de jure vel regni consuetudine pertinere quouismodo dinoscuntur. In cuius rei testimonium presentibus manu scribe nostri subscriptis sigillum officii vicariatus generalis Glasguensis est affixum, apud Glasgw, die quarto Julii anno Domini j^{m} v^{c} lij^{o}.

Per dictum dominum commissarium generalem.

THOMAS KNOX, manu propria.

187. RETOUR of WALTER SCOTT as heir of his grandfather, Walter Scott of Branxhelme, knight, in the lands of Branxhelme, Buccleuch, etc. 6th February 1553.

HEC inquisicio capta fuit in pretorio de Jedburgh sexto die mensis Februarii anno etc., quinquagesimo tercio, coram Willelmo Dowglas vicecomite deputato honorabilis viri Jacobi Dowglas de Caueris, militis, vicecomitis principalis de Roxburgh per hos subscriptos, videlicet, Nicholaum Ruthirfurd de Hundelie militem, Johannem Ruthirfurd de Hunthill, Thomam Turnbull de Badderroull, militem, Dauid Turnbull de Wauchop, Hectorem Turnbull tutorem de Mynto, Johannem Gledstanis de Coklaw, Jacobum Ormestoun de eodem, Wilelmum Dowglas in Crowk, Wilelmum Scot in Hawik, Wilelmum Ruthirfurd de Reidhauch, Andream Mader de Langtoun, Thomam Scot in Hawik, Hectorem Turnbull in Barnhillis, Jacobum Throubrand in Wiltoun, et Kentigernum Ruthirfurd in Nesbet: Qui jurati dicunt quod quondam Walterus Scot de Branxhelme miles auus Walteri Scot latoris presencium obijt vltimo vestitus et sasitus vt de feodo ad fidem et pacem supreme domine nostre regine de totis et integris terris subscriptis, videlicet, viginti quatuor marcatis terrarum de Branxhelme cum mansione et molendino et earundem pertinenciis, terris de Quhitchester et earundem pertinenciis, terris de Bucclucht, Rankilburn, cum pertinenciis, terris de Eilrige, Milsyntoun, Lempetlaw, sex terris husbandiis jacentibus in Grymslaw vulgo nuncupatis Portaris Landis cum omnibus suis pertinenciis jacentibus infra vicecomitatum de Roxburgh; ac etiam de omnibus et

singulis terris de Kirkurd cum tenentibus, tenandriis et earum pertinenciis jacentibus infra vicecomitatum de Peblis et annexate baronie de Branxhelme per cartam annexationis supremi domini nostri regis, terris de Ringwodfeild cum pertinenciis et officio balliatus de Melrosland, Etrikheid, Rodonoland, Esdaill Muyr, Est Teuidaill land et Vgingis cum earundem pertinenciis pertinentibus Abbacie de Melros, necnon terris de Norththous et Thirlstane in feodo balliuatus pro huiusmodi officio balliuorum; et quod dictus Walterus est legitimus et propinquior heres eiusdem quondam Walteri Scot de Branxhelme militis sui aui de dictis terris et balliatus officio de Melros cum earundem pertinenciis; et quod est legitime etatis; et quod dicte terre de Branxhelme cum mansione et molendino et earundem pertinenciis nunc valent per annum viginti quatuor libris monete Scotie, et in tempore pacis viginti quatuor mercis monete; et quod dicte terre de Quhitchester cum pertinenciis nunc vale[n]t per annum viginti libris monete Scotie, et in tempore pacis tantum; et quod dicte terre de Bucclucht et de Rankilburne cum earundem pertinenciis nunc valent per annum viginti libris, et in tempore pacis viginti libris monete Scotie; et quod dicte terre de Eilrige cum pertinenciis nunc valent per annum decem libris monete, et tantum in tempore pacis, et quod dicte terre de Mylsyntoun cum pertinenciis nunc valent per annum decem libris monete, et in tempore pacis tantum; et quod dicte terre de Lempetlaw nunc valent per annum viginti libris monete Scotie, et tempore pacis tantum, et quod predicte sex terre husbandie nuncupate vulgo Portaris Landis jacentes in Grymslaw cum pertinenciis nunc valent per annum sex libris monete, et in tempore pacis tantum; et quod dicte terre de Kirkurd cum pertinenciis annexate baronie de Branxhelme nunc valent per annum octoginta marcis et in tempore pacis tantum; et quod dicte terre de Ringvodfeild cum pertinenciis nunc valent per annum quinquaginta duabus libris monete et tantum in tempore pacis; et quod dictum officium balliuatus de Melros cum terris de Norththous et Thirlstane et earundem pertinenciis nunc valent per annum viginti libris monete Scotie, et tantum in tempore pacis; et quod omnes predicte terre, exceptis terris de Ringvodfeild, balliuatu de Melros et terris eiusdem [cum] pertinenciis, tenentur in capite de suprema domina nostra regina per albam firmam, soluendo annuatim supreme domine nostre regine pro terris de Branxhelme mansione et molendino cum pertinenciis vnam rosam rubeam in festo Sancti Johannis Baptiste super solum dictarum terrarum nomine albe firme si petatur tantum, et pro dictis terris de Quhitchester cum pertinenciis vnum denarium monete Scotie annuatim in festo Penthecostes super solum dictarum terrarum nomine albe firme si petatur tantum, et pro predictis terris de Bucclucht et Rankilburne vnum denarium supra-

scripte monete annuatim in dicto festo Penthecostes super solum dictarum terrarum nomine albe firme si petatur tantum, et pro dictis terris de Eilrige cum pertinenciis vnum denarium monete Scotie annuatim in festo Penthecostes super solum dictarum terrarum nomine albe firme si petatur tantum, et pro dictis terris de Milsyntoun cum pertinenciis annexatis baronie de Branxhelm vnam rosam rubeam annuatim in festo Sancti Johannis Baptiste super solum earundem si petatur tantum, et pro dictis sex terris husbandiis vulgo nuncupatis Po[r]taris Landis cum pertinenciis vnum denarium monete Scotie annuatim in festo Penthecostes super solum dictarum terrarum nomine albe firme si petatur tantum, et pro dictis terris de Lempetlaw cum pertinenciis vnum denarium monete Scotie annuatim in festo Penthecostes super solum dictarum terrarum nomine albe firme si petatur tantum, et pro terris de Kirkurd cum pertinenciis vnum denarium monete Scotie annuatim in festo Penthecostes in villa de Peblis nomine albe firme si petatur tantum, et quod dicte terre de Ringvodfeild et balliuatus de Melros cum terris de Norththous et Thirlstane cum pertinenciis tenentur in capite de abbate et conuentu de Melros in feodo et hereditate, soluendo annuatim dictis abbati et conuentui pro dictis terris de Ringvodfeild cum pertinenciis quinquaginta duas libras monete Scotie pro feodifirma ad duos anni terminos, videlicet, festa Penthecostes et Sancti Martini in hieme per equales portiones tantum, et pro dictis terris de Norththous et Thirlstane cum pertinenciis seruicium balliuatus, faciendo seruicia balliuorum prout de jure decet, et quod omnes et singule terre predicte cum pertinenciis exceptis terris de Ringvodfeild, terris balliuatus antedicti nunc existunt in manibus supreme domine nostre regine per decessum dicti quondam Walteri Scot de Branxhelme militis aui dicti Walteri tanquam domine superioris earundem a quarto die mensis Octobris anno etc. quinquagesimo secundo in quo diem clausit extremum, et sic extiterunt in manibus predicte supreme domine nostre regine tanquam in manibus superioris earundem, in defectu veri heredis jus suum hucusque minime prosequentis, et quod dicte terre de Ringvodfeild, balliuatus de Melros et terre balliuorum cum pertinencijs nunc existunt in manibus dictorum abbatis et conuentus de Melros per predictum spacium et sic extiterunt in manibus eorundem, in defectu veri heredis suum jus hucusque minime prosequentis: In cuius rei testimonium sigilla quorundam eorum qui dicte inquisicioni intererant cum breui incluso vnacum inclusione sigilli predicti vicecomitis presentibus sunt appensa, anno, mense, die et loco suprascriptis.

Hec est vera copia principalis Retornatus super premissis remanentis in cancellaria supreme domine nostre Regine [*etc., in forma communi.*] W. OGILL.

188. INQUEST as to the Annual Value of old extent of the lands of Logtoun. 2d March 1554.

HEC inquisitio facta fuit in pretorio burgi de Edinburghe coram honorabili viro Alexandro Hepburne de Quhitsum vicecomite deputato de Edinburghe specialiter constituto, secundo die mensis Martii anno Domini millesimo quingentesimo quinquagesimo quarto per istos egregios et honorabiles viros subscriptos, videlicet, Joannem dominum Borthuik, Wilelmum Sinclair de Rosling, Robertum Logane de Restalrig, Wilelmum Lawder de Haltoun, Symonem Prestoun de eodem, Gilbertum Wauchop de Nudrymerschell, Robertum Fairlie de Braid, Joannem Pennycuke de eodem, Joannem Otterburne de Reidhall, Magistrum Henricum Foulis de Colintoun, Patricium Creichtoun de Logtoun, Alexandrum Wardlaw de Warestoun, Alexandrum Creichtoun de Newhall, Dauidem Kincaid de Coittis, et Joannem Ramsay de Halhous: Qui jurati dicunt quod terre de Logtoun Dowglas extendunt annuatim ad summam iiij librarum antiqui extentus; terre de Logtoun Creichtoun xl solidorum ejusdem extentus.

Extractum de rotulis vicecomitis principalis de Edinburghe per me Joannem Mosman notarium publicum ac clericum dicti vicecomitis, sub meis signo et subscriptione manualibus. J. MOSMAN.

189. RETOUR of JAMES HEPBURNE as heir to PATRICK EARL OF BOTHUILE, in the earldom of Bothuile, the office of Lord High Admiral of Scotland, etc. 3d November 1556.

HEC inquisitio facta fuit in pretorio burgi de Edinburgh coram honorabilibus viris magistris Alexandro Mauchane et Dauide Quhitelaw vicecomitibus de Edinburgh infra constabulariam de Hadingtoun in hac parte per commissionem supreme domine nostre Regine sub testimonio sui magni sigilli specialiter constitutis tertio die mensis Nouembris anno Domini millesimo quingentesimo quinquagesimo sexto, per istos egregios et honorabiles viros subscriptos, videlicet, Jacobum dominum Ros de Halkheid et Maluile, Patricium Hepburne de Wauchtoun, Jacobum Cokburne de Langtoun, Willelmum Lauder de Haltoun, Joannem Sinclare de Hirdmanstoun, Johannem Pennicuke de eodem, Gilbertum Wauchop de Nudry Marschell, Robertum Fairlie de Braid, Andream Johnestoun de Elphinstoun, Georgium Broun de Coilstoun, Johannem Lyle de Stanypeth, Patricium Quhitelaw de eodem, Georgium Hume de Broxmouth, Willelmum Newtoun de eodem et Johannem Sinclare de Blance: Qui iurati dicunt quod quondam Patricius comes de Bothuile, dominus

Halis et Creichtoun, ac magnus admirallus Scotie etc. pater Jacobi Hepburne latoris presentium obiit vltimo vestitus et sasitus ut de feodo ad pacem et fidem supreme domine nostre regine de toto et integro comitatu de Bothuile et baronia de Halis, cum ceteris terris, dominiis et baroniis dicto comitatui annexatis, cum castris, turribus, fortiliciis, villis, partibus, pendiculis, dependenciis, annexis, connexis, lie outsettis, hospitalibus, molendinis, multuris, forestis, siluis, nemoribus, piscariis, hortis, pomeriis, tenentibus, tenandriis et libere tenentium seruiciis, aduocationibus, donationibus et iure patronatus prepositurarum, collegiorum, prebendarum, ecclesiarum parochialium et capellaniarum earundem ac suis pertinentiis, vnacum officiis vicecomitatuum de Edinburgh, Edinburgh infra constabulariam de Hadingtoun Berwik et balliatus de Lauderdale, ac cum officio magni admiralli totius regni Scotie, cum omnibus iuribus, proficuis, feodis, deuorijs, libertatibus, eschaetis et priuilegiis huiusmodi officiorum et singulis suis pertinenciis, creatis, erectis, vnitis et incorporatis in vnum liberum comitatum et baroniam, baroniam de Bothuile omni tempore futuro nuncupandam ; et quod dictus Jacobus Hepburne est legitimus et propinquior heres eiusdem quondam Patricii comitis de Bothuile patris sui de toto et integro predicto comitatu de Bothuile et baronia de Halis cum ceteris terris, dominiis et baroniis dicto comitatui annexatis, cum castris, turribus, fortiliciis, villis, partibus, pendiculis, dependentiis, annexis, connexis, lie outsettis, hospitalibus, molendinis, multuris, forestis, siluis, nemoribus, piscariis, hortis, pomariis, tenentibus, tenandriis et libere-tenentium seruiciis, aduocationibus, donationibus et iure patronatus prepositurarum, collegiorum, prebendarum, ecclesiarum parochialium et capellaniarum earundem ac suis pertinentiis, vnacum dictis officiis vicecomitatuum de Edinburgh, Edinburgh infra constabulariam de Hadingtoun, Berwik et balliatus de Lauderdale ac cum officio magni admiralli totius regni Scotie, cum omnibus iuribus, proficuis, feodis, deuoriis, libertatibus, eschaetis et priuilegiis huiusmodi officiorum et singulis suis pertinentiis ; et quod est legitime etatis, et quod dictus comitatus et baronia cum ceteris terris, dominiis et baroniis dicto comitatui annexatis, cum castris, turribus, fortiliciis, villis, partibus, pendiculis, dependentiis, annexis, connexis, lie outsettis, hospitalibus, molendinis, multuris, forestis, siluis, nemoribus, piscariis, hortis, pomariis, tenentibus, tenandriis et liberetenentium seruiciis, aduocationibus, donationibus et iure patronatus prepositurarum, collegiorum, prebendarum, ecclesiarum parochialium et capellaniarum earundem ac suis pertinenciis, vnacum dictis officiis vicecomitatuum de Edinburgh, Edinburgh infra constabulariam de Hadingtoun, Berwik et balliatus de Lauderdale, ac cum officio magni admiralli totius regni Scotie cum omnibus iuribus, proficuis, feodis, deuoriis, libertatibus, eschaetis et priuilegiis huiusmodi officiorum et singulis

eius pertinentiis, valent nunc per annum duobus millibus librarum vsualis monete regni Scotie, et in tempore pacis valuerunt sexcentis octo libris xiij solidis iiij denariis eiusdem monete, et quod tenentur in capite de suprema domina nostra regina: reddendo sibi et suis successoribus annuatim pro omnibus et singulis prenominatis comitatu, dominiis, baroniis et aliis terris dicto comitatu[i] vnitis et annexatis vnum denarium argenti vsualis monete Scotie, apud Castrum de Halis in festo Penthecostes nomine albe firme si petatur tantum, et pro predictis officiis debitam iusticie administrationem legibus supreme domine nostre regine concordantem per iura et statuta regni, et faciendo compotum, in scaccario pro dictis vicecomitibus pro omnibus aliis seruiciis, exactionibus, questionibus seu demandis que de eisdem exigi poterunt seu quomodolibet requiri; et nunc existunt in manibus prefate supreme domine nostre regine tanquam in manibus domini superioris earundem legitime per seipsam ob causam mortis dicti quondam Patricii comitis de Bothuile, patris ipsius Jacobi Hepburne latoris presentium, qui obiit per spacium quinque hebdomadarum vltimo elapsarum aut eacirca ante confectionem presentis inquisitionis in defectu veri heredis jus suum hucusque minime prosequentis: In cuius rei testimonium sigilla quorundam eorum qui dicte inquisitioni intererant faciende sub inclusione sigilli vnius dictorum vicecomitum in hac parte, vnacum breui regio intus clauso presentibus sunt appensa, anno, mense, die et loco prescriptis.

Hec est vera copia principalis retornatus super premissis remanentis in cancellaria supreme domine nostre regine, copiata et collationata per me Willelmum Ogill deputatum directoris eiusdem, sub meis signo et subscriptione manualibus. W. OGILL, etc.

190. AGREEMENT between JAMES DOUGLACE of Drumlangrig, knight, and CHARLES MURRAY of Cokpule, to submit to the decision of James Lord Somerville and others. 24th July 1558.

AT Edinburght, the xxiiij day of Julij, in the zeir of God j^{m} v^{c} lviij zeris, honorable men, James Douglaice of Drumlangrig, knycht, vpoun that ane part, and Charlis Mvrray of Cokpuile vpoun that wder part, ar faithfullie compromittit, bund, oblist and suorne, the haly ewangelist twiche[t], to stand, abide, vnderlie and fulfill the decreit, sentence arbitrall, and finaill deliuerance of thir personis vnder writyne, that is to say, James Lorde Symmerwell, William Murray of Tulibardyn, and Johnne Gordoun of Lochinwar, coniunctlie, in ane voice, as juigis arbitouris, arbitratouris and amicable compositouris, commonlie and equalie choysyne, with

aduise and consent of bayth the saidis parteis, to decreit and deliuer vpoun all actionis, caussis, quarellis, contrauerseis, vnkyndnes and debaittis movit be othir of the saidis parteis aganis wtheris, befoir the day of the dait of this present compromit, and specialie anentis the variance and vnkyndnes allegit be the said James Douglaice of Drumlangrig, knycht, vpoun the said Charlis, twiching the fortification and interes the said Charlis takis with Merrioun Carutheris, Jonot Carutheris, douchteris and airis portioneris to vmquhile Symoun Carutheris of Mouswald, in contrar the said James, and anentis the variance and vnkyndnes allegit be the said Charlis, vpoun the said James Douglaice, twiching the foirsaidis airis portioneris doun to hym and thame be the said James; quhilkis parteis and juigis hes acceptit the saidis debatable caussis vpoun thame, and sall conveine and meit in Sant Gelis Kirk of Edinburght this instant day of nyne houris befor novne, and thairefter to decreit within terme of law, and quhateuer the foirsaidis juigis decretis in ane voice, bayth the saidis parteis byndis and oblissis thame faithfullie, be thair gret athis, and fayth and treuth in thair bodeis, to stand and abyde thairat, but ony wder reclamatioun or appellatioun or proces of law in the contrar quhatsumeuyr: In witnes heirof, bayth the forsaidis parteis and jugis hes subscriuit this present compromit with thair handis, day, zeir and plaice foirsaid, befoir thir witnes, Rogar Gordon of Troquhair, Johne Dunbar of Mochrum, Patrik Agnew, scheref of Galloway, with diuers wtheris.

LORD SOMERWELL. DRUMLANGRYK.
LOCHINWAR. CHARLIS MURRAY.
WILIAM MURRAY of Tulibardin.

191. LETTER by QUEEN MARY appointing SIR WALTER SCOTT of Branxholme Captain and Keeper of Newwark Castle. 24th March 1565.

ANE lettre maid to Waltir Scott of Branxholme, knycht, makand, constituand and ordinand him Capitane and Keipare of oure Soueranis place and castell of Newwark, lyand in the lordschip of Atrik Forrest, within the schirefdome of Selkirk, for the space of nynetene zeiris nixttocum eftir the day of the dait heiroff, with power to him, his constabillis and deputtis, in his name, for the quhilkis he salbe haldin to ansuer, to vse and exerce the said office of capitanrie siclyik and als frelie as ony vtheris capitanis of thair said castell vsit and exercit the samyne of befoir, for vsing and exerceing of the quhilk office of capitanrie, oure saidis Soueranis gevis, grantis and assignis to the said Waltir thair Hienes landis and stedingis of Cartarhauch, Quhithilwra, Auldwark, and Huntlie, lyand within the lordschip and schirefdome

foirsaidis, with all maillis, fermis, proffeitis and dewiteis thairoff in his fee during the said space, to be bruikit, occupijt, vsit and disponit be him, sielyik and als frelie as ony vtheris capitanis of thair said castell for the tyme bruikit, and had had the samyne in thair feis of befoir: Attoure oure saidis Soueranis makis, constitutis, and ordanis the said Waltir and his airis, thair Maiesteis verray lauchfull and vndoutit baillies and chalmerlanis of thair Graces haill landis and lordschip of Ettrik Forrest foirsaidis, during the space and termes abonewrittin; Gevand, grantand and committand to thame full power, speciale bidding and charge baillie and chamerlane courtis vpoun the saidis landis and lordschip respectiue quhair thai sall think expedient to the tennentis and inhabitaris thairof and vtheris quhome it effeiris to sett, begin, afferme, hald and continew als oft as neid beis; soittis to mak be callit; absentis to amerchiat; trespassouris to puneis; vnlawis, amerchiamentis, and escheittis of the saidis courtis, to ask, lift, raise, and to thair vse apply, and for the samyne, giffe neid beis, to poind and distreinzie; the tennentis and inhabitaris of the saidis landis and lordschip befoir quhatsumeuir judge or judges of law, spirituale or temporale, thai be atteicheit or arreistit, to the priuiledge and fredome of the said baillie and chalmerlane courtis to reduce, replege, borrow, and aganebring; cautioun of collarayth for justice to be ministrat to the parteis complenand within terme of law, to gife and find; courtis to the parteis, to assignne and limit; the maillis, gressumes, fermes, proffeittis and dewiteis of the saidis landis and lordschip fra the tennentis, inhabitantis thairoff, to ask, raise, and ressaue, and for the samyn, gif neid be, to poind and distreinzie, and thame to inbring and deliuer to oure saidis Soueranis and thair comptrollare, at Witsounday and Martimes in winter, and mak compt thairof zeirlie in the Chekar; deputis vndir thame in the said office of baillierie and chalmerlanrie, ane or maa clerkis, seriandis, dempstaris, and all vtheris officiaris and memberis of courte neidfull to mak, creat, substitute, and ordane, for quhilkis thai sal be haldin to ansuer; and generallie, etc.; ferme and stable haldin and for to hald all and quhatsumeuir thingis the said Waltir, his airis, thair deputis and officiaris in the premissis lauchfullie leidis to be done, etc. At Edinburgh, the xxiiij day of Marche, the zeir of God j^m v^c thre scoir fyve zeiris.

Hec est vera copia abbreuiationis littere prescripte contente in Secreti Sigilli libro Marie matris supremi domini nostri Regis Scotie, Regine pro tempore, extracta de eodem, copiata et collationata per me Henricum Sinclare notarium publicum ac Secreti Sigilli scribam sub meis signo et subscriptione manualibus.

Ita est HENRICUS SINCLARE manu propria.

192. Declaration by Walter Ker of Cesfurde as to Marriage-Contract between his son Thomas and Elizabeth, sister of Walter Scott of Branxholme. 5th October 1567.

In Dei nomine, amen: Per hoc presens publicum instrumentum cunctis pateat euidenter et sit notum quod anno Incarnacionis Dominice millesimo quingentesimo et sexagesimo septimo, mensis vero Octobris die quinto et anno regni supremi domini nostri regis primo, in mei notarii publici et testium subscriptorum presentia personaliter comparuit honorabilis vir, Thomas Scot de Hanyng, accessit ad personalem presenciam honorabilis viri Walteri Ker de Cesfurde, militis, et ibidem exposuit et requisiuit prout sequitur in vulgari: That is to say, the said Thomas Scot of Hanyng past to the personale presens of Schir Walter Ker of Cesfurde, knycht, and thair exponit and declarit that thair wes bandis and contractis maid betuix Schir Walter Scot of Branxhelme, knycht, with consent and assent of the said Thomas Scot of Hanyng and Robert Scot of Thirlstane, with vtheris his curatouris, takand the burding vpone thame for the said Schir Walter, his sisteris, kin, freyndis, assisteris and parttakeris, on that ane parte, and the said Schir Walter Ker of Cesfurde, Knycht, takand the burding vpone him for his sonis, kin, freyndis, assisteris, and partakeris on that vther parte; to wit, for fulfilling of ane parte of the said contract, that Thomas Ker, his secund sone, suld haif to spous, compleit and solempnice the haly band of matrimonie in face of haly kirk with Elizabeyth Scot, lauchfull sister to the said Schir Walter Scot, before ane day contenit in the contract foresaid, and that thair wes diuers heidis contenit in the contract abonewrittin, with vthairis heidis commonit and talkit be toung betuix the saidis pairteis quhilkis aucht and suld be fulfillit be the said Schir Walter Ker that ar nocht fulfillit before the dait of this present, and thairfore requirit the said Schir Walter Ker, gif he wes myndit and wald fulfill the said contract, heidis and poyntis thairof, with commoningis and talkingis be toung betuix the saidis pairtiis, lyk as thai wer writtin and commonit betuix thame, the said Schir Walter Ker being personalie present, of haill mynd and full deliberatioun, nocht compellit thairto, bot of his awin proper confessioun and free wyll confessit and grantit that thair is ane contract maid betuix the saidis pairteis, and elikwys confessit and grantit that thair wes certane commonyngis and talkingis be toung, aucht and suld be fulfillit be ather pairteis as freyndis, and vthair pairtie knawis perfitlie; and thairfore the said Schir Walter Ker of Cesfurde, knycht, hes bundin and oblist him and his ayris faythfullie, be the fayth and treuth in his body, for him,

hisonis, freyndis and parttakeris pairtis, to fulfill the heidis, poyntis and articlis contenit in the contractis foresaidis, with all commonyngis and talkingis be toung betuix thame as concernis to him and thair pairtis as wes commonit and talkit, without ony reuocatioun, appellatioun, contradictioun, or agane calling quhatsumeuir, fraude et dolo semotis. Super quibus omnibus et singulis dictus Thomas Scot de Hanyng, nomine et mandato Walteri Scot de Branxhelme militis prescripti, a me notario publico subscripto sibi fieri et tradi peciit vnum seu plura publicum seu publica instrumentum seu instrumenta: Acta erant hec apud capellam de Halydene, horam circa decimam ante meridiem, sub anno, die et mense quibus supra; presentibus ibidem honorabilibus et discretis viris, Willielmo Stewarte fratre germano Johannis Stewarte de Tracquair militis, Alexandro Chishelme in Chishelme, Willielmo Scot fratre germano Roberti Scot de Thyrlstane, et Gawino Wylkin burgensi de Selkirk, testibus ad premissa vocatis pariterque rogatis.

Et ego Johannes Brydin, clericus Glasguensis diocesis, publicus auctoritate apostolica notarius et nunc per dominos consilii supreme domine nostre regine, secundum tenorem acti sui parliamenti admissus [*etc., in forma communi.*]

193. Act of Sheriff-Court of Roxburgh as to presentation of brieves by Sir Walter Scott of Branxhelm, to be served heir of David Scott, and by Grissel, Lady Borthwick, to be served heir of Sir Walter Scott of Branxhelme. 12th July 1569.

Curia vicecomitatus de Roxburght tenta in pretorio de Jedburght duodecimo die mensis Julij anno Domini millesimo quingentesimo et sexagesimo nono per Marcum Turnbull burgensem de Jedburght et vicecomitem deputatum dicti vicecomitatus ad vniuersitatem causarum legitime constitutum, sectis vocatis, curia legitime affirmata.

The said day, Mr. Thomas Westoun, actornay for ane honorabill man, Schir Walter Scot of Branxholme, knycht, and also actornay for ane honorabill lady, Grissell Scot, Lady Borthuik, in name of the said Schir Walter and Grissell, presentit breifis of our Souerane Lordis Chapell, dewlie execut and indorsat to this day, be Thomas Heislop, officer, quha maid fayth of the executioun of the same, according to the indorsatioun therof, videlicet, ane purchest be the said Schir Walter to be servit as nerrest and lawchtfull air of vmquhile Dauid Scot, his father brother; ane vther purchest be the said Grissell Lady Borthuik, to be servit as air of vmquhile Walter Scot of Branxholme, knycht, hir father, and thai being thrys proclamit at the bose

window, as vse is, gif ony wald obiect aganis the saidis breuis, nane comperit, vpoun the quhilk the said Mr. Thomas requirit act of court, in name of the said Schir Walter and Grissell, and desyrit forder proces.

Inquisicio.

Nicholaius Rutherfurd de Hundolie, miles.
Thomas Turnbull de Beddeirowle, miles.
Johannes Rutherfurd de Hunthill.
Willelmus Dowglas de Bone Jedburght.
Walterus Scot de Birkinsyd, miles.
Walterus Riddell de eodem.
Johannes Mow de eodem.
Jacobus Langlandis de eodem.
Walterus Scot de Eidschaw.
Robertus Scot de Thirlestane.
Willelmus Mader de Langtoun.
Richardus Rutherfurd prepositus de Jedburght.
Johannes Alensone balliuus dicti burgi.
Rodulphus Pot in Kelso.
Willelmus Ormestoun in Mendein.

The said day, vpoun the admissioun and swering of the said inqueist, the said Mr. Thomas, actorney foirsaid, in name of the said Schir Walter and Grissell, requirit act of court, and producit certane clames in writt, and for verificatioun therof producit, in the said Sir Walteris name, certane euidentis, as the proces beris, etc., and for verificatioun of the said Grissell Scottis clame, producit ane instrument of seising past vpoun ane precept vnder the testimonie of the greit seill contenand quhair the said vmquhill Walter Scot off Branxholme, knycht, and Dame Janet Betoun, his spouse, . . . Wiltoun Greine, Wiltounburne and Vuerhall, with thair pertinentis, with the advocatioun, donatioun and patronage of the parsonage and viccarage of the parroche kirk of Wiltoun, lyand within the diocie of Glasgow, and scherefdome of Roxburght, of the dait the xvij day of September, the zeir of God j^{m} v^{c} fyftie zeiris, togidder with ane precept of seising, vnder the testimonie of the greit seill, of the saidis superioritie of the landis, aduocation and donatioun of the said kirk, of the dait at Edinburgh the xxv day of August of the regnne of our Souerane Lady the aucht zeir.

Quo die compertum est per inquisicionem suprascriptam quod quondam Walterus Scot de Branxholme, miles, pater Grissillidis Scot, domine de Borthuik, latricis pre-

sentium obijt vltimo vestitus et sasitus ut de feodo ad pacem et fidem excellentissime domine nostre regine matris illustrissimi domini nostri regis de tota et integra superioritate terrarum de Wiltoun Grene, Wiltounburne, et Vuerhall, cum pertinenciis, vna cum aduocacione et donacione et jure patronatus rectorie et vicarie ecclesie parochialis de Wiltoun alternatis vicibus tantum, jacentium intra diocesim Glasguensem et vicecomitatum predictum; et quod dicta Grissillis presentium latrix est legitima et propinquior heres eiusdem quondam Walteri militis sui patris, inter ipsum et quondam dominam Janetam Betoun suam sponsam legitime procreata de dicta superioritate terrarum prescriptarum, cum pertinenciis, vnacum aduocatione et donatione et jure patronatus dicte ecclesie alternatis vicibus, et hoc de jure communi et praxi huius regni tanquam filia legitima et primogenita dicti quondam Walteri et domine Janete eius sponse inter ipsos procreata, et quod est legitime etatis, et quod dicta superioritas terrarum prescriptarum cum pertinenciis vnacum aduocatione et donatione et jure patronatus dicte ecclesie alternatis vicibus nunc valent per annum decem libras et tantum valebant tempore pacis et tenentur immediate in capite de illustrissimo domino rege in libera alba firma pro solutione vnius denarii argenti vsualis monete regni Scocie annuatim in festo Penthecostes super solum dictarum terrarum nomine albe firme si petatur tantum, et nunc existunt in manibus dicti illustrissimi domini nostri regis tanquam in manibus domini superioris earundem ratione nonintroitus, et sic extiterunt a tempore obitus dicte quondam domine Janete Betoun, domine coniuncte infeodationis earundem, que obijt in mense Januario vltime elapso, aut eocirca, per defectum dicte Grissillidis vere heredis earundem jus suum huc usque minime prosequentis: super quibus dictus magister Thomas actornatus nomine dicte domine Grissillidis petijt actum curie et protestabatur pro retornatu sub sigillis dicte inquisicionis in debita forma.

Extractum de libris actorum dicti vicecomitatus per me Magistrum Georgium Dowglas clericum vicecomitis dicti vicecomitatus, ac notarium publicum, per dominos consilij secundum tenorem acti parliamenti admissum, sub meis signo et subscriptione manualibus. Mr. G. DOWGLAS.

194. DISCHARGE by SIR WALTER SCOTT of Branxholm to ROBERT SCOTT, grandson of Robert Scott of Allanhauch, tutor to the said Sir Walter. 1569.

I, SCHIR WALTER SCOTT of Branxhelme, knycht, be the tennour heirof, grantis me weill content, satesfeit and payit be my cousing, Robert Scott, oy and air of

vmquhile Robert Scott of Allanehauch, his gudschir, my tutour for the tyme of all comptis of the intromissioun had be the said vmquhile Robert as lauchfull tutoure to me for the tyme, or ony vtharis in his name or be his richt during the tyme of my tutorie, minoritie and less aige, with ony of my landis, heretageis, takkis, stedingis, houssis, places, mylnis, woddis, fischeingis, offices, cornes, cattel, insicht, airschipe gudis, mailis, fermes, victualis, gressumes, annuellis, cainis and vthiris gudis and geir quhatsumevir pertening to me intromettit with be him or ony vtharis in his name, or be his rycht during the tyme of my tutorie, minoritie and less aige, as said is, and thairfore I, be thir presentis, for myself, my airis, executoris, and assignays, exoneris, quitclames and dischairgeis the said Robert as oy and air foirsaid, his airis, executouris and assignais, and all vthiris quhome it efferis, of all maner, cornes, cattell, and gudis, insicht, airschip gudis, dettis, sowmes of money, mailis, fermes, gressumes, annuellis, caines, casualeteis, and vtheris gudis, and geir quhatsumevir pertening, or that mycht pertene, to me, and intromettit with be the said vmquhile Robert as my tutour foirsaid, or ony vtheris in his name or be his rycht during the tyme of my tutorie, minoritie, or less aige forevir be thir presentis; and for the mair securitie heirof I am content that this present dischairge be actit and registrat in the Buikis of the Lordis of Counsale or Commissaris Buikis of Edinburgh, and decernit to haue the strenth of thair decreit thairof, with executoriallis to be direct thairupoun, in forme as efferis, and to that effect makis, constitutis, and ordanis

and ilk ane of thame, coniunctlie or seueralie, my lauchfull procuratouris, committand to thame full power to compeir before the saidis Lordis or Commissaris quhatsumevir day or dayis, place or places lauchfull, and thair to consent to the registering of thir presentis promittens de rato. In witnes heirof I haue subscriuit thir presentis with my hand at the day of the zeir of God ane thousand fiue hundreth threscore nyne zeiris, before thir witnessis

WALTER SCOTT of Branxhelm, knyt.

195. GRANT by SIR WALTER SCOTT of Branxholme to ROBERT SCOTT, grandson of Robert Scott of Allanhauch, of the non-entries of Quhitchester. 1569.

BE it kend till all men be thir present lettres, me, Schir Waltir Scott of Branxhelme, knycht, superioure of the landis vndirwrittin, to haue gevin, grantit and disponit, and be the tennour heirof gevis, grantis and disponis to my cousing, Robert Scott,

oy and air of vmquhill Robert Scott of Allanehauch, his airis and assignais ane or ma, the nonentres, mailis, fermes and dewiteis of all and haill the landis and lordschip of Quhitchester, with tennenttis, tennandrijs and seruice of frie tennenttis of the samin, with the pertinentis, liand within the baronie of Branxhelme and scherefdome of Roxburgh, of all zeiris and termes bigane that the samin hes bene in my handis or my predecessoris as superioris thairof sen the deceis of the said vmquhile Robert Scott, last lauchfull possessour thairof, or ony vthiris his predicessouris last lauchfull possessouris of the samin, and siclyk zeirlie and termlie in tyme cuming, ay and quhill the lauchfull entrie of the rychteous air or airis thairto being of lauchfull aige, with the releif thairof quhen it salhappin, with power to the said Robert Scott oy and air foirsaid, his airis and assignais foirsaidis, to intromet with and vptak the haill mailis, fermes, proffittis and dewiteis of the saidis landis, baith propirtie and tenandrie, and thairupoun to dispone at thair plesour of all zeiris and termes bigane and to cum during the tyme of the said nonentres thairof, and gif neid be to call and persew thairfore be ordoure of law, and to apply the samin, togidder with the said releif, to thair awn vtilitie, behuif, and proffite, siclyk and als frelie as I mycht haue done myself before the making heirof, with all and sindrie commoditeis and proffittis pertening to the saidis landis during the tyme of the nonentrie thairof, frelie, quietlie, weill, and in peace, but ony reuocatioun, obstacle, impediment or agane calling quhatsumevir: In witnes of the quhilk thing to this my lettre of gift subscriuit with my hand my signet is affixt, at the day of the zeir of God $j^m v^c$ threscore nyne zeiris, before thir witnessis

WALTER SCOTT of Branxhelm, Knyt.

196. RETOUR of JAMES DOUGLAS, as heir of his father, William Douglas of Hawick, knight, in the barony of Hawick. 18th March 1572.

HEC inquisitio facta fuit in pretorio burgi de Drumfreis, coram prouidis viris Cuthberto [Gr]eirsoun in Lacht, et Gilberto Greirsoun in Pundland vicecomitibus vicecomitatuum de Drumfreis et Roxburgh in hac parte per commissionem supremi domini nostri regis coniunctim et diuisim specialiter constitutis, decimo octauo die mensis Marcii anno Domini millesimo quingentesimo septuagesimo secundo virtute dicte commissionis dispensando desuper cum loco, ac etiam virtute literarum dicti supremi domini nostri regis sub suo signeto et subscriptione manuali charissimi consanguinei sui Jacobi comitis de Mortoun domini de Dalkeith etc. sui regnique et liegiorum suorum regentis dispensando cum Jacobo Douglas, filio et herede

apparente quondam Willelmi Douglas de Hawik, militis, circa suam minoritatem, sic quod tanquam legitimus et propinquior heres eiusdem quondam sui patris ad terras et reliquas subscriptas deseruiri poterit, non obstante quod ad completam etatem viginti vnius annorum nondum attingit, ac aliarum literarum dispensationum ex deliberatione dominorum consilii directarum dispensando cum instanti feriali tempore prout in prefatis literis latius continetur, per hos nobiles dominos et alios subscriptos videlicet Joannem dominum Maxwell, Joannem dominum Hereis, Joannem Gordoun de Lochinvar militem, Rogerum Kirkpatrik de Closburne, Matheum Wilsoun de Crogling, Joannem Charteris de Amisfeild, Robertum Douglas de Coschogill, Robertum Fergussoun de Cragdarroch, Willelmum Rerik de Dalbaty, Archibaldum M^c^Brair de Almygill, Rogerum Greirsoun de Lag, Rogerum Gordoun de Cule, Edwardum Menzeis de Castelhill, Harbertum Maxwell de Cavennis, Joannem Maknacht de Kilquhonytt, Thomam Kirkpatrik de Freircars et Joannem Broun de Carsleuch : Qui jurati dicunt quod quondam Willelmus Douglas de Hawik, miles, pater dicti Jacobi Douglas latoris presentium, obiit vltimo vestitus et sasitus vt de feodo ad pacem et fidem supremi domini nostri regis de omnibus et singulis terris et baronia de Hawik, tam proprietate quam tenandria, videlicet in proprietate de villa de Hawik cum molendino earundem, terris de Eist Manis, West Manis, Crumhauch et Kirktoun Manis, Flekkis et Muryneis, Ramsay Clewis, Braid Ley, Tenesyde, Carlingpule et Almonslandis ; ac in tenandria de terris de Howpaslet, Chesholme, Quhitehoip, Drydane, Commounside, Ovir Harwod, Emetscheilis, Nethir Harwod, Weyndislandis, Eister et Wester Heislehoip, Langhauch, Lairis Toftis, Kirkwod, Harwodhill, Quhitechestir, Fynnik, Edgaristoun, Edgaristounschelis et Quhomis, cum tenentibus, tenandriis, liberetenentium seruitiis, aduocationibus, donationibus ecclesiarum et capellaniarum earundem et omnibus suis pertinenciis jacentibus infra vicecomitatum de Roxburgh, et quod dictus Jacobus est legitimus et propinquior heres eiusdem quondam sui patris de omnibus et singulis terris et baronia prescriptis tam proprietate quam tenandria cum annexis, tenentibus, tenandriis, liberetenentium seruitiis, aduocationibus et donationibus ecclesiarum et capellaniarum earundem et omnibus suis pertinentiis : Et quod est legitime etatis ad intrandum ad dictam villam et molendinum de Hawik, terras de Eist Manis, West Manis, Crumhauch, Kirktoun Manis, Flekkis, Muryneis, Ramsay Clewis, Braidley, Teneside, Carlynepule et Almonslandis cum suis pertinentiis, ac virtute literarum dispensationum dicti supremi domini nostri regis dispensando cum sua minoritate est legitime etatis ad intrandum ad dictas terras de Howpaslet, Chesholme, Quhytehoip, D[r]ydane, Commounside, Ovir Harwod, Emetschelis, Nethir Harwod, Weyn-

dislandis, Eistir et Westir Heislehoip, Langhauch, Lairris Toftis, Kirkwod, Harwodhill, Quhitchester, Fynnik, Edgaristoun, Edgaristounschelis et Quhomys cum annexis, tenentibus, tenandriis, liberetenentium seruitiis, aduocationibus et donationibus ecclesiarum et capellaniarum earundem, et omnibus suis pertinentiis, et quod omnes et singule predicte terre et baronia tam proprietas quam tenandria cum molendino, tenentibus, tenandriis, liberetenentium seruitiis, aduocationibus et donationibus ecclesiarum et capellaniarum earundem et suis pertinenciis valent nunc per annum tricentas mercas et tempore pacis tantummodo respectiue subscriptas, videlicet, villa et molendinum de Hawik, terre de Eist Manis, West Manis, Crumhauch, Kirktoun Manis, Flekkis, Muryneis, Ramsay Clewis, Braidley, Teneside, Carlyngpule et Almonslandis, cum suis pertinentiis, summam centum mercarum monete Scocie, et dicte terre de Howpaslet, Chisholme, Quhithoip, Drydane, Commounsyde, Ovir Harwod, Emetschelis, Nethir Harwod, Weyndislandis, Eister et Westir Heislehoip, Langhauch, Lairris Toftis, Kirkwod, Harwodhill, Quhitechestir, Fynnik, Edgaristoun, Edgaristounschelis, et Quhomys, cum suis annexis, tenentibus, tenandriis, liberetenentium seruitiis, aduocationibus et donationibus capellaniarum et ecclesiarum earundem, et omnibus suis pertinentiis, valent nunc per annum summam ducentarum mercarum monete antedicte, et quod predicte terre et baronia de Hawik tam proprietas quam tenandria de supremo domino nostro rege modo subscripto immediate tenentur videlicet, villa et molendinum de Hawik, terre de Eist Manis, West Manis, Crumhauch, Kirktoun Manis, Flekkis, Muryneis, Ramsay Clewis, Braidley, Teneside, Carlynepule et Almonslandis cum suis pertinentiis, in libera alba firma annuatim pro vna sagitta ad festum assumptionis beate Marie Virginis, apud principale messuagium de Hawik, si petatur, reddenda, et dicte terre de Howpaslet, Chesholme, Quhithoip, Drydane, Commounside, Ouir Harwod, Emetschelis, Nethir Harwod, Weyndislandis, Eister et Westir Heislehoip, Langhauch, Lairris Toftis, Kirkwod, Harwodhill, Quhitchestir, Fynnik, Edgaristoun, Edgaristounschelis et Quhomys cum suis annexis, tenentibus, tenandriis, liberetenentium seruitiis, aduocationibus et donationibus ecclesiarum et capellaniarum earundem et suis pertinentiis pro vna secta annuatim ad quamlibet trium curiarum capitalium vicecomitatus de Roxburcht curiam prebenda, cum warda, releuio et maritagio cum contigerint, et quod dicta villa et molendinum de Hawik, terre de Eist Manis, West Manis, Crumhauch, Kirktoun Manis, Flekkis, Muryneis, Ramsay Clewis, Braidley, Teneside, Carlingpule et Almonslandis cum suis pertinenciis fuerunt et extant in manibus supremi domini nostri regis quoad feodum earundem ratione nonintroitus, et dicte terre de Howpaslet, Chesholme, Quhitehoip, Dridane, Commounsyde, Over

Harwod, Emetschelis, Nethir Harwod, Weyndislandis, Eister et Westir Heislehoip, Langhauch, Lairris Toftis, Kirkwod, Harwodhill, Quhitchestir, Fynnik, Edgaristoun, Edgaristounschelis et Quhomys cum suis annexis, tenentibus, tenandriis, liberetenencium seruitiis, aduocacionibus et donationibus ecclesiarum et capellaniarum earundem, et suis pertinenciis fuerunt et extant quoad feodum earundem in manibus dicti supremi domini nostri regis ratione warde respectiue, a decessu dicti quondam Willelmi, qui obiit vigesimo quinto die mensis Septembris vltimo elapsi ad spatium sex mensium aut eocirca; preterea dicunt quod presens retornatus nullum prestet damnum, preiudicium, nec incommodum dicto Jacobo Douglas de Drumlanrig militi circa suum vitalem redditum omnium et singularum terrarum et baronie prescriptarum tam proprietatis quam tenandrie cum annexis, tenentibus, tenandriis, liberetenentium seruitiis, aduocationibus et donationibus ecclesiarum et capellaniarum earundem durante vita sua, nec supremo domino nostro regi et personis quibus wardam tenandriarum baronie prescripte disposuit circa firmas, proficua et deuoria earundem tenandriarum durante minori etate dicti Jacobi junioris et semper et quousque ad etatem viginti vnius annorum completam deuenerit: In cuius rei testimonium sigilla quorundam eorum qui dicte inquisitioni intererant faciende sub inclusione sigillorum dictorum vicecomitum in hac parte, vnacum breue regio intus clauso presentibus sunt appensa, anno, mense, die et loco suprascriptis.

Hec est vera copia principalis retornatus super premissis in cancellaria supremi domini nostri regis remanentis, copiata et collationata per me Henricum Sinclare, notarium publicum, ac deputatum directoris eiusdem, sub meis signo et subscriptione manualibus. H. SINCLARE.

197. LETTER OF GIFT to DAME MARGARET DOUGLAS, relict of Sir Walter Scott of Branxhelm, knight, of the ward, non-entries, etc., of her late husband. 17th June 1574.

ANE lettre maid to Dame Margarett Dowglas, relict of vmquhile Schir Walter Scott of Branxhelme, knycht, hir airis and assignayis, ane or maa, of the gift of the warde and nonentres, males, fermes, profettis, and dewities of all landis, lordschippis, and baronies, with castellis, touris, fortalices, maner places, mylnis, fyscheingis, woddis, parkis, zai[r]dis, tennentis, tenandreis, and seruice of frie tennentis, partis, pendiclis, annexis, connexis, and pertinentis thairof quhatsumeuir, quhilkis pertenit to the said vmquhile Schir Walter hir spous, or to vmquhile Dauid Scott, sone and apperand air for the tyme to vmquhile Schir Walter Scott

of B[r]anxhelme, knycht, quhilk vmquhile Dauid wes gudschir brothir to Walter Scott, now apperand of Branxhelme, or ony vtheris his predicessouris, lairdis of Buccleuch, and now pertenis to oure Souerane Lord, and ar in his Grace's handis be ressoun of waird or nonentres, throw or be deceis of the saidis vmquhile persones, or ony of thame, or ony thair predicessouris, last lauchfull immediate tennentis to our souerane lord or his predicessouris of the samin, lauchfullie enterit thairto, or be reductioun of retouris, infeftmentis, or ony vtheris richtis and euidentis of the saidis lordschippis and baronies, or ony pairt thairof, of the terme of Witsonday last bypast, and sielyke of all zeiris and termes to cum, during the tyme of the said waird or nonentres, and ay and quhill the lauchfull entrie of the richtious air or airis thairto, being of lauchfull aige; togidder with the releif thairof quhen it salhappin: with power to the said Dame Margaret, hir airis and assignais, to intromet and tak vp the males, fermes, proffetis, and dewities of the foirsaidis landis, lordschippis, baronies, castellis, touris, fortalices, mylnis, fyschingis, maner places, woddis, zairdis, parkis, tennentis, tenandries, seruice of frie tennentis, pairtis, pendiclis, annexis, connexis, and pertinentis thairof quhatsumeuir, of Witsonday last bipast, and sielyke of all zeiris and termes to cum during the tyme of the said wairde or nonentres thairof, and to dispone thairvpoun, and vpoun the releif quhen it salhappin, and to occupy the samin with thair awin propir guidis, or sett thame to tennentis as thai sall think expedient, during the said space; with court plaint, etc., and with all and sindrie vtheris commodities, fredomes, frelie, quietlie, etc., but reuocatioun, etc., at Halyrudhous, the sevintene day of Junii, the zeir of God j^{m} v^{c} threscoir fourtene zeiris.

Hec est vera copia abbreuiationis litere prescripte contente in Libro Secreti Sigilli Supremi domini nostri regis, extracta de eodem, copiata et collationata per me Robertum Sinclair, notarium publicum ac dicti secreti sigilli scribam deputatum, sub meis signo et subscriptione manualibus.

Ita est ROBERTUS SINCLARE manu propria.

Apud Edinburgh, vltimo Augusti, anno etc. v^{c} octuagesimo. Per hanc litteram allocatur vicecomiti de Roxburght in v^{m} iij^{c} lxxvij li. xiiij s. ij d.

M. A. KNOWIS.

198. RETOUR of WALTER SCOTT, as heir of his granduncle David Scott, in the baronies of Branxholme, Ekfurd, etc. 3d July 1574.

HEC Inquisitio facta fuit in pretorio burgi de Edinburgh, tertio die mensis Julij, anno Domini millesimo quingentesimo septuagesimo quarto, coram honorabilibus

viris magistris Eduardo Henrysoun, Edmoundo Hay et Joanne Frude aduocatis, vicecomitibus in hac parte vicecomitatus de Roxburcht et Peblis, coniunctim et diuisim constitutis per commissionem supremi domini nostri regis sub testimonio sui magni sigilli per hos nobiles et probos viros subscriptos; videlicet, Joannem Edmonstoun de eodem, Joannem Pennycuik de eodem seniorem, Joannem Stewart de Trakwair, Willelmum Weich de Dawik, Jacobum Hoppringill de Quhytbank, Joannem Govane de Cardrono, Dionisium Elphingstoun de Henderstoun, Robertum Dikkiesoun de Ormestoun, Willelmum Burnat de Barnis, Thomam Scott de Abbottishall, Walterum Scott de Kirkynsyde [Birkynsyde], militem, Walterum Ker de Littill Dane, Joannem Cranstoun de eodem, Jacobum Gledstanes de Coklaw et Andream Hoppringill de Galloscheillis: Qui iurati dicunt quod quondam Dauid Scott frater aui Walteri Scott latoris presentium obiit vltimo vestitus et sasitus vt de feodo ad fidem et pacem Marie regine Scotie, matris supremi domini nostri regis, de omnibus et singulis terris et baroniis subscriptis, videlicet, terris et baroniis de Branxholme et Ekfurd, cum tenentibus, tenandriis ac liberetenentium seruitiis, earundem et suis pertinentiis iacentibus infra vicecomitatum de Roxburght, et de sex terris husbandiis in Langtoun et terris de Quhytchester, et terris et baroniis de Kirkvrd, cum tenentibus, tenandriis, . . . iacentibus infra vicecomitatum de Peblis, et de terris, tenementis et domibus de Buckleuch, Rankilburne et Lempitlaw . . . iacentibus infra vicecomitatum de Roxburght antedictum, ac de totis et integris terris de Eilrig cum suis pertinentiis, jacentibus infra dictum vicecomitatum de Roxburght; que omnes terre et baronie antedicte, cum suis pertinentiis suprascriptis vniuntur et annexantur in baroniam de Branxholme per cartam vnionis quondam Jacobi tertii Scotorum Regis desuper confectam; et quod dictus Walterus Scott, lator presentium, est legitimus et propinquior heres dicti quondam Dauidis, fratris sui aui, de omnibus et singulis prefatis terris, baroniis . . . et quod est legitime etatis, virtute dispensationis supremi domini nostri regis cum consensu sui charissimi regentis Jacobi comitis de Mortoun etc. dicto Waltero Scott ad intrandum terras sibi per decessum fratris dicti sui aui pertinentes per seruitium warde et releuij tentas concesse; et quod prefate terre et baronie de Branxholme et Quhitchester . . . valent nunc per annum quadraginta quatuor libras vsualis monete Scotie, et tempore pacis valuerunt per annum triginta quatuor mercas dicte monete, et quod dicte terre de Ekfurde . . . valent nunc per annum viginti libras ac tantum valuerunt annuatim tempore pacis, et quod dicte sex terre husbandie in Langtoun valent nunc per annum sex libras dicte monete ac tantum valuerunt annuatim tempore pacis, et quod prefate terre et baronie de Kirkvrd . . . valent nunc per

annum octoginta mercas ac tantum annuatim valuerunt tempore pacis, et quod dicte terre tenandrie et dominia de Buckleuch, Rankilburne et Lempitlaw . . . valent nunc per annum quadraginta libras dicte monete et tantum valuerunt annuatim tempore pacis; et quod dicte terre de Eilrig valent nunc per annum decem libras dicte monete et tantum valuerunt annuatim tempore pacis; et quod omnes et singule terre et baronie de Branxholme, Quhytchester, Kirkvrd, Buckleuch, Rankilburne, Lempitlaw et Eilrig, tenentur in capite de supremo domino nostro rege in libera alba firma, videlicet, dicte terre et baronie de Branxholme . . . pro annua solutione vnius rose rubre, in festo Sancti Johannis Baptiste super solum dictarum terrarum si petatur; et dicte terre et baronie de Kirkvrd, pro annua solutione vnius denarii in festo Penthecostes in villa de Peblis si petatur; et dicte terre de Eilrig pro annua solutione vnius denarii super solum earundem in festo Penthecostes si petatur; et dicte terre de Lempitlaw pro annua solutione vnius denarij in festo Penthecostes super solum dictarum terrarum si petatur; et dicte terre de Quhitchester pro annua solutione vnius denarii super solum earundem si petatur; et quod dicte terre de Ekfurde . . . et dicte sex terre husbandie in Langtoun cum pertinenciis tenentur in capite de supremo domino nostro rege et successoribus suis per seruitium warde et releuij; et quod omnes et singule prefate terre et baronie de Branxholme, Quhytchester, Kirkvrd, Buckleuch, Rankilburne, Lempitlaw et Eilrig, ac prefate terre de Ekfurd et Langtoun nunc sunt in manibus dicti supremi domini nostri regis tanquam superioris earundem, videlicet dicte terre de Ecfurd et sex terre husbandie in Langtoun ratione warde et relevij, et terre suprascripte ratione nonintroitus per decessum dicti quondam Dauidis prout eedem fuerunt dicti domini nostri regis et eius matris, tunc regine, in manibus a decessu dicti quondam Dauidis qui decessit mense aut eocirca anno Domini millesimo quingentesimo quadragesimo , videlicet dicte terre de Ecfurd et Langtoun ratione warde a decessu quondam Walteri Scott de Branxholme, militis, patris dicti Walteri latoris presentium, qui decessit mense Aprili iam proxime preterito et ratione nonintroitus per spatium quatuor annorum immediate preteritorum eius decessum tempore supraspecificato, et per reliquum spatium a decessu dicti quondam Dauidis ratione warde, et hoc in defectu dicti Walteri latoris presentium et prefati quondam Walteri sui patris non prosequentium suum ius ad prefatas terras in alba firma tentas, et ob non etatem dicti Walteri Scott latoris presentium non valentium intrare ad prefatas terras per wardam tentas, et similiter ob non etatem dicti quondam Walteri Scott, militis, patris dicti latoris presentium continuo a decessu dicti quondam Dauidis vsque ad annum Domini millesimum quingentesimum sexa-

gesimum primum et ad mensem dicti anni, in quo prefatus quondam Walterus miles qui vltimo decessit compleuit annum etatis sue vigesimum primum, et exinde in eius defectu ius suum ad prefatas terras per wardam tentas non prosequentis: In cuius rei testimonium sigilla quorundam eorum qui dicte inquisitioni intererant vnacum inclusione sigillorum dictorum in hac parte vicecomitum, et breuibus regiis intus clausis, presentibus sunt appensa.

Hec est vera copia principalis retornatus super premissis in cancellaria supremi domini nostri regis remanentis copiata et collationata per me Joannem Wylie notarium publicum ac deputatum honorabilis viri magistri Willelmi Scott de Grangemure eiusdem cancellarie directoris, sub meis signo et subscriptione manualibus. JO. WYLIE.

199. RETOUR of WALTER SCOTT as heir to his great-grandfather, Sir Walter Scott, of Branxholme, knight, in the lands of Apiletreleis, etc. 3d July 1574.

HEC inquisitio facta fuit in Pretorio burgi de Edinburgh tertio die mensis Julij, anno Domini millesimo quingentesimo septuagesimo quarto coram honorabilibus viris magistris Eduardo Henrysoun, Edmundo Hay, et Johanne Frude, aduocatis, vicecomitibus in hac parte vicecomitatus de Roxburgh, coniunctim et diuisim, constitutis per commissionem supremi Domini nostri Regis sub testimonio sui magni sigilli, per hos nobiles et probos viros subscriptos, videlicet Johannem Edmestoun de eodem, Johannem Pennycuke de eodem, seniorem, Joannem Stewart de Trakwair, Willelmum Weche de Dawik, Jacobum Hoppringill de Quhytbank, Joannem Govane de Cardrono, Dionisium Elphinstoun de Henderstoun, Robertum Dikkesoun de Ormestoun, Willelmum Burnat de Barnis, Thomam Scot de Abbotishall, Walterum Scot de Kirkynsyd, [Birkynsyd] militem, Walterum Ker de Littilldane, Joannem Cranstoun de eodem, Jacobum Gledstanis de Coklaw, et Andream Hoppringill de Galloscheillis: Qui iurati dicunt quod quondam Walterus Scot de Branxholme, miles, proauus Walteri Scot latoris presentium obiit vltimo vestitus et sasitus vt de feodo ad fidem et pacem Marie tunc Regine Scotie matris supremi domini nostri Regis, de omnibus et singulis terris infrascriptis, videlicet, de omnibus et singulis terris de Apiltreleis cum pendiculis et pertinenciis earundem, ac de totis et integris terris de Meirbank, Sutercroft et Cartleis cum pertinenciis, et de tota et integra dimedietate terrarum de Halkburne quam Thomas Huntar inhabitauit, jacentibus infra dominium et regalitatem de Melros ac vicecomitatum de Roxburcht, et de

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totis et integris terris de Quhittope cum pertinenciis, jacentibus infra baroniam de Hawik et vicecomitatum predictum, ac de omnibus et singulis terris de Drydane et Commounsyd cum suis pertinenciis, jacentibus infra vicecomitatum predictum, et de totis et integris terris de Grenewoid et Lyn cum suis pertinenciis, jacentibus in baronia de Mynto infra vicecomitatum prescriptum, et de omnibus et singulis terris de Borthauch et molendinis earundem cum suis pertinenciis, jacentibus infra vicecomitatum predictum, ac de totis et integris sex terris husbandiis vocatis Porterlandis cum pertinenciis jacentibus in Grimmislaw infra vicecomitatum predictum, et quod dictus Walterus Scot lator presentium est legitimus et propinquior heres prefati quondam Walteri Scot de Branxholme militis sui proaui de omnibus et singulis terris suprascriptis cum pertinenciis, et quod est legitime etatis virtute dispensationis supremi domini nostri Regis cum consensu sui charissimi regentis Jacobi comitis de Mortoun dicto Waltero Scot ad intrandum terras sibi per decessum sui dicti proaui pertinentes per seruitium warde et releuii tentas concesse, et quod dicte terre de Apiltreleis cum pertinenciis terre de Meirbank, Sutercroft Cartleis et dimedietas terrarum de Halkburne valent nunc per annum quadraginta quinque libras quinque solidos octo denarios vsualis monete Scotie ac tempore pacis annuatim tantum valuerunt, et quod dicte terre de Quhittope valent nunc per annum quinque libris ac tempore pacis annuatim tantum valuerunt, et quod dicte terre de Drydane et Commounsyd valent nunc per annum quinque libris dicte monete, et tantum tempore pacis annuatim valuerunt, et quod dicte terre de Grenewoid et Lyn cum pertinenciis valent nunc per annum decim libris ac valuerunt tantum annuatim tempore pacis, et quod dicte terre de Borthauch et molendina earundem cum pertinentiis valent nunc per annum decim libris dicte monete ac tantum valuerunt annuatim tempore pacis, et quod dicte sex terre husbandie vocate Porterlandis in Grymmislaw valent nunc per annum quatuor libris, ac valuerunt tantum annuatim tempore pacis, et quod prefate terre de Apiltreleis, Meirbank, Sutercroft, Cartleis et dimedietas terrarum de Halkburne, cum suis pertinenciis, tenentur in capite de commendatario et conuentu monasterii de Melros et suis successoribus, in feudifirma et hereditate pro annua solutione quadraginta quinque librarum sex solidorum octo denariorum dicte monete ad terminos Penthecostes et Sancti Martini in hieme per equales portiones nomine feudifirme, et quod dicte terre de Quhittope cum pertinenciis tenentur in capite de Jacobo Douglas de Drumlangrig, milite, tanquam barone de Hawik in libera alba firma pro solutione vnius rose rubee in natiuitate Sancti Joannis Baptiste super solum dictarum terrarum si petatur tantum, et quod dicte terre de Drydane et Com-

mounsyd, cum pertinentiis, tenentur in capite de dicto Jacobo Douglas de Drumlangrig, milite, in libera alba firma pro vnius denarii solutione super solum dictarum terrarum si petatur tantum, et quod dicte terre de Grenewoid et Lyn, cum suis pertinenciis, tenentur in capite de supremo domino nostro Rege et successoribus suis per seruitium warde et releuii, et quod prefate terre de Borthauch et molendinum earundem, cum suis pertinenciis, tenentur in capite de Jacobo Langlandis de Wiltounhill et suis heredibus in libera alba firma pro vnius denarii solutione in Festo Penthecostes super solum dictarum terrarum, si petatur tantum, et quod dicte sex terre husbandie vocate Porterlandis tenentur in capite de supremo domino nostro Rege et successoribus suis pro vnius denarii solutione in festo Penthecostes nomine albe firme super solum dictarum terrarum si petatur tantum, et quod dicte terre de Apiltreleis, Meirbank, Sutercroft, Cairtleis, et dimedietas terrarum de Halkburne, cum suis pertinenciis, nunc sunt in manibus dicti commendatarii et conuentus de Melros, tanquam superiorum earundum per decessum dicti quondam Walteri Scot, militis, proaui dicti Walteri latoris presentium ratione nonintroitus, sicut in eorum manibus fuerunt continuo a decessu quondam Walteri militis qui decessit in mense Octobris aut eocirca anno Domini millesimo quingentesimo quinquagesimo secundo ad spatium viginti vnius annorum vnius termini, et quod dicte terre de Quhittope, Drydane, Commounsyd cum pertinenciis dicti domini de Drumlanrig tanquam superioris earundem ratione nonintroitus per decessum dicti quondam Walteri militis proaui dicti Walteri Scot latoris presentium nunc sunt in manibus vt et fuerunt in manibus dicti domini de Drumlanrig a decessu prefati quondam Walteri militis qui decessit tempore prescripto, et quod prefate terre de Borthauch et molendinum earundem nunc sunt in manibus dicti Jacobi Langlandis de Wiltounhill tanquam superioris earundem ratione nonintroitus per decessum dicti quondam Walteri Scot militis vt et fuerunt in manibus dicti Jacobi Langlandis continuo a decessu prefati quondam Walteri Scot militis qui decessit tempore predicto; et quod prefate sex terre husbandie vocate Porterlandis in Grymmislaw nunc sunt in manibus dicti supremi domini nostri Regis tanquam superioris earundem ratione nonintroitus per decessum dicti quondam Walteri Scot, militis, proaui dicti Walteri Scot latoris presentium vt et fuerunt in manibus dicti domini Regis et eius matris antedicte Regine pro tempore continuo a decessu dicti quondam Walteri militis, et hoc in defectu dicti Walteri Scot latoris presentium et quondam Walteri Scot de Branxholme militis sui patris jus suum ad terras antedictas hucusque non prosequentium, et prefate terre de Grenewoid et Lyn, cum pertinenciis, nunc sunt in manibus dicti supremi domini nostri

Regis ratione warde per decessum dicti quondam Walteri Scot, militis, proaui dicti Walteri latoris presentium vt et fuerunt in manibus dicti domini nostri Regis ratione warde continuo a decessu dicti quondam Walteri Scot, militis, patris prefati Walteri latoris presentium qui decessit mense Aprili iam proxime preterito, ob non etatem dicti Walteri Scot latoris presentium, sicut etiam dicte terre de Grenewoid et Lyn fuerunt in manibus dicti supremi domini nostri Regis et eius matris Regine pro tempore respectiue continuo a decessu prefati quondam Walteri Scot militis proaui dicti Walteri latoris presentium, videlicet, per spatium quatuor annorum immediate precedentium decessum dicti quondam Walteri, militis, patris latoris presentium ratione nonintroitus in defectu ipsius jus suum ad easdem non prosequentis et per reliquum spatium a decessu dicti quondam Walteri militis proaui latoris presentium ratione warde ob non etatem dicti quondam Walteri Scot militis patris latoris presentium jus suum ad easdem prosequi non valentis. In cuius rei testimonium sigilla quorundam eorum qui dicte inquisitioni intererant faciende vnacum inclusione sigillorum dictorum in hac parte vicecomitum et breui regio intus clauso presentibus sunt appensa.

Hec est vera copia principalis retornatus super premissis in cancellaria supremi domini nostri Regis remanentis copiata et collationata per me Alexandrum Hay notarium publicum eiusdem Cancellarie Directorem sub meis signo et subscriptione manualibus. ALEXANDER HAY.[1]

200. RENUNCIATION by ROBERT SCOTT in Hawick, and his brother, JAMES SCOTT, on the part of their relatives, of all rancour against ROBERT SCOTT of Alanehauch and others for slaying George Scott. 1st February 1581.

BE it kend till all men be thir present lettres, we, Robert Scot in Hawik, and James Scot his brother, for our selffis, and taikand the burdene vpone ws, our mother, our haill kin, freindis, assistars and partakers, to haue remittit and forgevin, and be the tenour heirof remittis, forgevis, and dischargis Robert Scot off Alanehaucht, Williame Scott in Alanehaucht, now duelland in Hawik, Syme Scot in

[1] The subjoined note has been written in a more modern hand, on a piece of paper enclosed in the above retour :—

"3 July 1574. It appears, by the service of Walter Scot as heir to Walter Scot of Branxholm, his great grandfather, who died Octr. 1552, that Walter's father died in Aprile 1574, and was major only four years before his death, and that at the time of the service Walter was under age, being then served in the ward lands by a dispensation."

Oversouthfeild, Watt Scot thair, Syme Scott thair, Jok Scot, duelland in Hawik, callit Wattis Jok, thair haill kin, freindis, assisters, and partakers, the haill rancour and malice of our hartis, and all actioun of displesour, and all and sindrie vther actiones quhatsumever, criminalle or ciuile, quhilk we or ony of ws for our selffis, and takand the burdein vpon ws, as said is, our or thair airis, executouris or assignais, assistars or partakers, hes consauit, had, hes, or ony wayis may haue aganes the said Robert Scot of Alanehaucht, William Scott in Alanehaucht, now in Hawik, Syme Scot in Oversouthfeild, Watt Scott thair, Syme Scott thair, Jok Scott, duelland in Hawik, callit Wattis Jok, or ony off thame, thair kin, freindis, assisters, and partakers, for the slauchtir off wmquhill George Scott, our brother, committit be the said Robert and Williame, and thair partakers, in the monethe off Apryle, the zeir of God j^{m} v^{c} threscore auchtein zeris; and grantis ws to haue resauit full satisfactioun and assythment fra the saidis Robert and Williame, and all personis, partie partakers, and assisters abonewrittin, for the said slauchtir, to our contentatioun and our awin plesour: and thairfore be thir presentis resauis thame in the same amitie, freindschipt, and kyndnes as thai wer in ony tyme before the committing of the said slauchter, and lyke as the samyn had never bene done: and bindis and obleissis ws never to cum in the contrar heiroff, vndir the pane of periurie and defamatioun for ever. In witnes quhairoff we haue subscryuit thir present lettaris of slains, as efter followis, at Hawik, the first day of Februar, the zeir off God j^{m} v^{c} fourscore ane zeris, before thir witnesses, James Glestanes of Coklaw, Walter Chesholm of that ilk, Waltir Scot off Tuchalaw, zounger, Adame Scot of Lochahaucht, Robert Scott off Altoun, Allen Chisholme in Parkhill.

ROBERT SCOTT, burgess of Hawyke, wytht my hand.

I, JAMES SCOT, cordener, witht my hand twicheand the pen, led be the notar vnderwrittin.

Ita est WILLELMUS HAGY notarius publicus in premissis manu propria teste.

201. LETTER from KING JAMES THE SIXTH in favour of WALTER SCOTT of Branxelme, knight, remitting the penalties for breaking his ward in Blackness Castle. 3d March 1582.

JACOBUS Dei gracia rex Scotorum, omnibus probis hominibus suis ad quos presentes litere peruenerint, salutem: Sciatis quia ex gracia nostra speciali remisimus Waltero Scot de Branxelme, militi, latori presencium, rancorem animi nostri, sectam regiam, et omnem actionem quem et quas erga ipsum concepimus, habemus.

seu quouismodo habere poterimus pro proditoria sua nostri carceris infractione extra wardam de castro nostro de Blaknes, nostra absque licencia desuper habita et obtenta, veniendo, ac pro omnibus actione et crimine que inde sequi poterint, ac pro omnibus aliis actionibus, transgressionibus, criminibus, et offensis quibuscunque per dictum Walterum aliquibus temporibus retroactis vsque in diem date presencium commissis seu quomodolibet perpetratis, proditoria tradicione in nostra persona regia dumtaxat excepta, dummodo prefatus Walterus partibus conquerentibus et dampna passis taliter satisfaciat quod nullam super hoc de cetero justam querimoniam audiamus, et supradictum Walterum sub firma pace et protectione nostra juste suscipientes firmiter inhibemus ne quis ei occasione dicte infractionis aut aliarum actionum transgressionum criminum et offensarum quarumcunque predictarum malum, molestiam, iniuriam seu grauamen aliquod inferre presumat iniuste super nostram plenariam forisfacturam aut mortem ei inferat, sub pena amissionis vite et membrorum. In cuius rei testimonium has literas nostras remissionis, pro toto tempore vite prefati Walteri duraturas, sub nostro magno sigillo sibi fieri fecimus patentes; Apud Edinburgh, tercio die mensis Marcii anno regni nostri decimo sexto.

202. AGREEMENT between WALTER SCOTT of Branxhelme and ROBERT SCOTT of Alanehauch, as to the cessation of the feud on account of the slaughter of David Scott. 19th and 22d May 1585.

BE it kend till all men be thir present lettres, ws, Walter Scott of Branxhelme, for my self, and takand the burdin on me for my kin, freyndis, allia, partie and parttakeris, men, tennentis, dependaris, and seruandis quhatsumeuir, on that ane pairte, and Roberte Scot of Alanehaucht, for my self, and takand the burdin on me for my brether and the remanent personis, my kin, freyndis, allia, subscriuaris of this present band, on that vthir pairte, anent the slauchteris and vtheris caussis movit be the sonis of vmquhile Adame Scot of Alanehaucht aganis me, the said Walter, the tyme of my minoritie, my freyndis, tennentis, and seruandis; and siclik anent the slauchter of vmquhile Dauid Scot, sone to vmquhile Adame Scot of Alanehaucht, ane of the committaris of the slauchter of my seruand and tennent, Hob Dalgleis, in Braidhaucht, fallin in my hand accidentlie: And thairfore I, the said Roberte Scot of Alanehaucht, with the remanent of my brether and vtheris my kin, freyndis, allia, subscriuaris of this present band, vnderstanding ws to be innocent of all slauchteris and vtheris debaittis movit be the sonis of the said vmquhile Adame Scott aganis the said Walter, my cheif, the tyme of his minoritie,

or at ony tyme preceding the day of the dait heirof, or aganis his freyndis, dependaris, men, tennentis and seruandis, byndis and oblissis ws, and ilkane of ws, subscriuaris of this present band, neuer to fynd falt with the said Walter Scot of Branxhelme, my cheif, nor nane vtheris his kin or freyndis being in his cumpany the tyme of the said accident slaughter of the said vmquhile Dauid, nather zit nane of my said cheiffis freyndis, men, tennentis, dependaris, and seruandis quhatsumeuir, bot sall serue, manteine, and defend my said cheif according to the band subscriuit be me, with vtheris freyndis of our surname of before, and his kin, freyndis, allia, pairtie and parttakeris, dependaris, men, tennentis and seruandis, at the vttermest of our powaris, as ane gentilman aucht to do to thair cheif, in all tymes cumin: and als, I, the said Roberte Scot of Alanehaucht, for my self, and takand the burdin on me for my saidis brether and remanent personis, subscriuaris of this present band, nocht to associat nor beir cumpany in counsale or vther wayis with nane of the sonis of the said vmquhile Adame Scot of Alanehaucht, thair pairtie nor parttakeris, manteine nor defend nane of the saidis personis quha subscriuis nocht this present band cumin of my said hous of Alanehauche: And quhateuer debait sal happin to be or fall betuix thame quha subscriuis nocht, and the said Walter and his foresaidis, that we that hes subscriuit sall neuer intromet with that debait nor fynd falt with the samin at na tyme heireftir, bot salbe ennymeis to thaim; and gif we do vtherwyis, we salbe estimat and haldin as periure and diffamet men, and neuer to haif fayth nor credit at na tyme thaireftir: And thairfoir I, the said Walter Scot of Branxhelme, be this present, for my self, and takand the burdin on me for my kin, freyndis, allia, pairtie, and parttakeris, men, tennentis, dependaris, and seruandis, byndis and oblissis me to fortifie, manteine, and defend the said Roberte Scot of Alanehauch his brether, with the remanent personis, subscriuaris of this present band, and his dependaris, in all and sindrie thair gude, iust, and leiffull actionis aganis all deidlie, the Kingis graces auctoritie allanerlie exceptit, as ane cheif aucht to do to his friemane and freindis: And forther, I, the said Walter Scott, byndis and oblissis me, for my self, and takand the burdin on me for my foresaidis, that quhatsumeuir debait or inconvenient that salhappin at ony tyme heireftir to fall betuix me and my freyndis, and the personis quhilkis subscriuis nocht this present band cumin of the hous of Alanehaucht, viz., the bairnes of vmquhile Adame Scot of Alanehaucht and thair parttakeris, that we nor nane of ws sall neuer fynd falt with the said Roberte Scot of Alanehaucht, nor the personis that hes subscriuit this present band thairthrow, bot that I and my freyndis, men, tennentis, seruandis, and

dependaris, sall vse the said Roberte Scot and his foresaidis as freyndis to ws in all tymes cumin: And heirto we and ilkane of ws parteis foresaidis hes bundin and oblist ws, and ilkane of ws, and our foresaidis, be the fayth and treuth in our bodyis, to obserue, keip, and fulfill all and sindrie the premisses respectiue foresaidis to vtheris, ilk ane of ws respectiue for our awin pairtis, sa far as we aucht to vtheris, vnder the payne of five thowsand pundis, and forder, vnder the payne of periurie, diffamatioun, and neuer to haiff fayth nor credit in the law, nor by the law, at na tyme thaireftir: And for the mair securitie we, the parteis foresaidis, subscriuaris of this present band, for our selffis, and takand the burdin on ws for oure foresaidis, ar content, and consentis that this our bandis be actit and registratt in the buikis of our Souerane Lordis counsale, and decernit to haue the strenth of ane act or decreit of the saidis Lordis, with lettres and executorialis of horninge, or poynding, or apprysing, to pas heirvpone vpone ane sempill charge of thre dayis wairning, at the pleasour of the pairteis, in forme as efferis; and for acting and registring heirof we mak, constitut, and ordainis ,
and ilk ane of thame, coniunctlie and seuerallie, our lauchtfull procuratouris, to comper before the saidis Lordis quhatsumeuir day or dayis and places lauchtfull, and thair to consent to the registring heirof, promittand to hald ferme and stabill. In witnes of the quhilk thing we haue subscriuit this present band with our handis as followis, at Selkirk and Hawik, the nynetene and xxij dayis of May, the zeir of God j^{m} v^{c} and foure score and five zeiris, before thir witnes, Walter Scot of Eidschaw, George Scot of Syntoun, Roberte Scot of Haning, Roberte Scot in Cringillis, James Scot in Gylmynisclcucht, Symon Scot of Gammisclcucht, William Scot of Glak, James Scot in Newerkmyln, and Williame Brydin, noter publict.

BVKCLVCHE.

WALTER SCOT, burges in Hawik, sonne to wmquhell Thomas Scot in Hawik, zounger.

ROBERTE SCOT of Alanehauch.

WALTER SCOT, his brother germane.

JOHNE SCOT, alias Wattis Jok, burges of Hawik.

THOMAS SCOT, his brother, burges thair.

THOMAS SCOT, callit Thome of Hundellishop.

WILLIAM SCOT, sone to Wyll of Collefurde, callit Reid Wyllie.

JOHNE SCOT, callit Tynclair, in Harret, with oure handis twychand the pen, led be the noter publict vnder writtin.

Ita est WILLIELMUS BRYDIN, notarius publicus, ad premissa per dictas personas respectiue nescientes scribere requisitus, manu propria subscripta.

203. PRECEPT by KING JAMES THE SIXTH for infefting WILLIAM SCOTT of Hassinden in the lands of Ovir and Nethir Newhall, etc. 4th May [1586].

JACOBUS Dei gracia rex Scotorum vicecomiti et balliuis suis de Roxburghe necnon dilectis nostris Thome Scot, Dauid Zowng, Willelmo Turnbul, Willelmo Scot, Ade Scot, ac eorum cuilibet coniunctim et diuisim vicecomitibus nostris de Roxburghe in hac parte salutem: Quia quidam processus forisfacture ad instanciam nostri contra Willelmum Scot de Hassindene pro ipsius existentia ad exercitum de Melros in comitiua cum Waltero Scott de Branxhelme, milite, deductus erat, quamuis dictus Walterus et sui amici nichil ibidem nisi mandatum nostrum egerunt, et ob id in nostro plano parliamento declarauimus quod ipsi nichil iniuste ob eorum existentiam ad dictum exercitum fecerunt, et quod dictus processus forisfacture contra ipsos minus iuste deductus erat, vobis igitur precipimus et mandamus quatenus dicto Willelmo Scot vel suo certo actornato latori presentium sasinam terrarum de Ouir Newhall, Nethir Newhall cum pertinenciis, iacencium in baronia de Chalmerlane Newtoune infra vicecomitatum nostrum de Roxburghe, et terrarum de Estir Hassindene, cum turre et fortalicio earundem, necnon viginti solidatarum terrarum de Deidrig, cum suis pertinenciis, iacencium in dimedia baronia de Hassindene, infra vicecomitatum nostrum predictum, de nobis et successoribus nostris similiter et adeo libere tenendarum sicut dictus Willelmus easdem terras de nobis ante dictam pretensam forisfacturam tenuit, secundum tenorem sui infeofamenti quod de nobis inde habet iuste haberi faciatis, et sine dilatione, et hoc nullo modo omittatis, ad quod faciendum vobis et vestrum cuilibet coniunctim et diuisim vicecomitibus nostris de Roxburghe in hac parte committimus potestatem: datum sub testimonio magni sigilli nostri apud Edinburghe quarto die mensis Maij anno regni nostri decimo nono.

Ex mandato supremi domini nostri regis.

204. CONTRACT OF MARRIAGE between WALTER SCOTT of Branxhelme and MARGARET KER, daughter of William Ker of Cesfurd. 1st October 1586.

AT Edinburgh, the fourt day of November the zeer of God j^{m} v^{c} lxxxvj zeiris, in presens of the Lordis of Counsale, compeirit personallie Mr. Johne Russell, procuratour speciallie constitut for William Ker of Cesfurd, knight, Dame Jonet Douglas, his spous, and Margaret Ker, thair dochter, be this contract vnderwryttin on that ane pairt, and Mr. Oliver Colt, procuratour, in lykwayis specialie constitut for

Walter Scot of Bukclughe, Johne Murray of Blakbaronie, and Georg Scot of Suyntoun, his curatouris, be the samin contract on that vther pairt; and geve in the sam subscryvit with thair handis, and desyrit the samin to be insert and registrat in the Bukis of Counsale, to have the strenth, force and effect of thair act and decreit in tym to cum, thair auctoritie to be interponit thairto, with lettres and executoriellis to be direct vpon them for fulfilling thairof in all pointis, in maner specifeit therintill; the whilk desyr the saydis Lordis thoght ressonable, and therfoir hes ordanit and ordanis the said contract and apointment to be insert and registrat in thair saidis buikis to have the strenth, force and effect of thair acte and decreit in tyme to cum, and hes interponit and interponis thair decreit and auctoritie thairto, and decernis and ordanis lettres and executoriellis to be direct vpon ather of the saidis parties for fulfilling thairof in all pointis, in maner specifeit thairintill, off the whilk the tennor followis:—At Halyden, the first day of October j^m v^c lxxxvj zeiris, it is appointit, aggried and finallie concordit betwixt the honorable pairties vnder wryttin, to wit, William Ker of Cesfurd, Wardane of the Middill-Marches of this realme, and Dame Jonet Dowglas, his spous, for them selffis, and the said William takand the burden vpon him for Margaret Ker thair dochter on the ane pairt, and Walter Scot of Branxhelme, and Johne Murray of Blackbaronie, Georg Scot of Syntoun, curatouris to the sayd Walter Scot of Branxhelme, for thair entres on the vther pairt, in maner, forme and effecte as efter followis; that is to say, forsomeikle as the said Walter shall marie and tak to his spousit wyff the said Margaret Ker, and sall solemnizat and compleit the band of mariag in face of Haly Kirk with hir betwixt the dait heeroff and the fest of Androwmes nixtocum: Befoir the compleiting of the whilk mariage the said Walter bindis and oblissis him, be his charter of alienatioun and precept of seising conteinit thairin, to be mead in competent and dew forme, dewlie and sufficientlie to infeft the said Margaret Ker, his futur spous forsaid, in hir virginitie, in lyfrent for all the dayis of hir lyftyme, in all and haill his landis and baronie of Ekfurd, with tour, fortalice, maner place, wodis, fisheings, corne mylne therof, the manis callit Eister and Wester Moss, the toune and landis of Grameslaw, with the Walk Mylne thairof, Ester and Wester Wodens, and all vtheris pairtis, pendicles and pertinentis of the saidis landis and baronie whatsumever; and sick lyk in all and haill his sax husband landis in Langtoun perteining to Dame Margaret Dowglas, Countes of Boithuill, mother to the said Walter, in lyfrent, and presentlie occupiit be hir and hir subtennentis, all lyand within the Schereffdome of Roxbrugh; and alse in all and haill his landis of Fastheugh and Fawsyd and thair pertinentis, lyand

within the Schereffdome of Selkirk, with reservatioun of the said infeftment and charter to the said Dame Margaret Dowglas of hir lyfrent of all and haill the saidis landis and baronie of Ekfurd with thair pertinentis, with thair fortalice, maner place, fisheingis and corn mylne thairof, of the saidis mains called Ester and Wester Moss, of the said toun and landis of Grameslaw, with Walk Mylne thairof, Ester and Wester Wodens, and all vtheris pairtis, pendicles and pertinentis of the saidis landis and baronie of Ekfurd, and alse of the saidis sax husband landis in Langtoun, for all the dayes of hir lyftyme; to be halden of the said Walter Scot of Branxhelme and his airis in frie blanche for payment of ane pennie zeirlie, vpon the ground of the saidis landis, at the feist of Witsonday, iff it be askit allanerlie; with speciall warrandice in the said infeftment fra all wairdis, relevis, nonentress, coniunct infefmentis, takis, terces, assedatiounes, lyfrentis, annuelrentis, alienatiounes, appryseingis, evictioun, purprusioun, revocatioun, reductioun, forfaltour, recognitioun, and fra all vther chargis, impositiounis, taxatiouns, dangeris and perellis whatsumever that may be imput thairto, or to any pairt thairof, or follow thairvpon, for whatsvmeuer caus or occasioune bygane, present, or to cum, except fra the said Dame Margaretis lyfrent forsaid, and fra the few meallis of the saidis landis of Fastheuch and Fawsyd, to be payed to our Soverane Lord and his successouris; fra the whilkis haill inconvenientis abovespecifeit (except befoir exceptit) the said Walter Scot of Branxhelme, with expres avis and consent of his curatouris forsaidis, as iff the saidis infeftmentis war mead and perfyted, now as then, then as now, bindis and oblissis him and his airis to warrand, acquiet and defend all and haill the saidis landis and baronie of Ekfurd, with tour, fortalice, maner place, fisheingis, wod and corne mylne therof, and vtheris, tounis, landis, mylnes and husband landis, particularlie above wryttin, perteining to the said Dame Margaret Dowglas in lyfrent, as said is; and alse all and haill the saidis landis of Fastheuch and Fawsyd, with thair pertinentis, to the said Margaret Ker, for all the dayis of hir lyftyme, sua that in cais of deceis of the said Walter and of his said mother, the said Margaret Ker, immediatlie thairefter, be hir self, her servandis and tennentis in hir name, may enter therto, peaceablie bruik and joys the samin, rais, sett, vse and dispone thervpon at hir pleisour during hir lyftyme; the said Margaret Ker alwayis makand payment to our Soverane Lord and his successouris, thair comptrolleris and chamberlanis, of the few of the saidis landis of Fastheuch and Fawsyd, and relevand the saidis Walteris airis thairof off all zeiris and termes fra hir entrie therto vnto hir deceis: And becaus the said Margaret Ker (in caice of the said Walteris deceis) may report no proffit nor commoditie of the saidis landis

and baronie of Ekfurd, tour, fortalice, vther tounes, landis, and husband landis forsaidis, perteining to the said Dame Margaret Dowglas in lyfrent, as said is, duiring hir lyftyme, be ressoun of hir right of lyfrent therof, the said Walter Scot of Branxhelme, with avyse and consent of his saidis curatouris, bindis and oblissis him and his airis be the samin chartour and infeftment, or be ane severall chartour or precept of seising, to be mead in the sam forme (in the said William and his said spous optioun), dewlie and sufficientlie to infeft the said Margaret Ker, his future spous forsaid, in hir virginitie, in lyfrent, for all the dayes of hir lyftyme, in all and haill his mainis of Branxhelme, Eister and Wester, with fortalice, maner place, and wodis therof, the manis of Borthauch, with the mylne therof, the landis of Ovirhall, Woltounburn, and Woltoun Grene, called the half baronie of Woltoun, and all thair pertinentis, lyand within the Schereffdome of Roxbrucht forsaid; with expres provisioun to be conteinit in the said infeftment, that whenever or how sone it sall happen the said Dame Margaret Dowglas to deceis, that the said Margaret Ker, incontinent thairefter, shall renunce, discharge, and ourgive all right, titill, and entres whilk sho may have or pretend be vertew of the said infeftment to the saidis mainis of Branxhelme, Eister and Wester, with fortalice, maner place, and wodis therof, the saidis landis of Borthauche, with the mylne therof, the landis of Ovirhall, Woltoun Burne and Woltoun Grene, with thair pertenentis, the said infeftment and right thairof nevertheles remaneand in full effect to the said Margaret Ker duiring hir lyftyme, tuiching the saidis landis and baronie of Ekfurd, with tour, fortalice, maner place, wodis, fisheingis, and corne mylne therof, the saidis mainis, called Eister and Wester Moss, Wodenis, and all vther pairtis, pendicles, and pertinentis of the said baronie of Ekfurd, the saidis sax husband landis of Langtoun, and the saidis landis of Fastheuch and Fawsyd, with thair pertinentis; whilk infeftment or infeftmentis the said Walter Scot of Branxhelme, with expres consent and assent of his curatouris forsaidis, bindis and oblissis him to ratifie and appreiff in all pointis, efter the tenor thairof, at his perfyt aige of xxi zeiris compleit; as alse to reforme and renew the samin as he shall be requyrit be the said William and his said spous and thair airis thairto, whill the said Margaret Ker be sufficient securitie be mead sure thairof: for the whilkis causis above wryttin the said William Ker of Cesfurd and Dame Jonet Dowglas, his spous, bindis and oblissis them, thair airis and executouris, to content, pay, and thankfullie deliver to the said Walter Scot of Branxhelme, his airis, executouris and assignayis, in name of tochir, with the said Margaret Ker, thair dochter, the soum of ten thousand merkis vsuale money of this realme, at the termes and in maner following: to

witt, the soum of thrie thousand merkis therof betwixt the dait heerof and the compleiting of the said mariage; the soum of vther thrie thousand merkis thairof betwixt that and the second day of Februar nixt therefter, in this instant zeir of God j^{m} v^{c} lxxxvj zeiris, the soum of twa thousand merkis at the Feist of Witsonday nixt therefter, in the zeir of God j^{m} v^{c} lxxxvij zeiris, and the soum of vther twa thousand merkis, in compleit payment of the said haill soume of ten thousand merkis, at the Feist of Martimes nixt therefter, in the sam zeir of God; and heerto baith the saidis pairties bindis and oblissis them faithfullie to vtheris be thir presentis, no remeid nor exceptioun of law to be vsed, proponit or alledgit in the contrair renunceand the samin for ever: and for the moir securitie ar content and consentis that thir presentis be actit and registrat in the buikis of Counsell to be decernit to have the strenth of ane decreit of the Lordis thairof, that executoriellis may pas thervpon for compelling of ather parties to fulfill this present contract to vtheris in all pointis efter the tenour thairof, for thair pairtis, in maner abovespecifeit, and constitutis and ilk ane of them, coniunctlie and severallie, thair lauchtfull procuratouris, to compeir befoir the saidis Lordis, whatsumever day and place lauchtfull, and consent to the registrating heerof in maner above wryttin, promittend to hald firme and stable: In witnes of the whilk thing baith the saidis pairties and curatouris forsaidis hes subscryvit thir presentis with thair handis in maner following, day, zeir and place forsaidis, befoir thir witnessis, Merk, commendatar of Newbottele; Mr. Robert Dowglas, provest of Lincluden, collector to our Soverane Lord; Sir Johne Cranstoun of that Ilk, knight; Andro Ker of Fawdounsyd; Walter Scot of Gaudelandis; Robert Menteith, wardane clerk; Mr. Johne Skene, scryb; Robert Gardner, his servitour; Sic subscribitur, Bukcleugh, Cesfurd, Dame Jonet Dowglas, with my hand at the pen led be the notaris vndirwryttin, at my command. Ita est Johannes Kene, notarius de mandato prefate domine Jonete requisitus. Ita est Robertus Gardner, connotarius, de mandato etiam Jonete scribere nescientis in premissis requisitus, testantibus meis signo et subscriptione manualibus. Blakbaronie, Georg Scott, Newbothill, witnes; Robert Douglas, witnes; S. J. Cranstoun, witnes; Andro Ker of Fawdounsyd, witnes. Extractum de libro actorum per me Alexandrum Hay de Eister Kennet, clericum rotulorum registri ac consilij supremi domini nostri regis, sub meis signo ac subscriptione manualibus.

Sic subscribitur, ALEXANDER HAY.

205. LEASE by FRANCIS EARL BOTHWELL to MARTIN ELLIOT of Braidlee, and his son, of lands in Kilfurde, etc. 9th October 1586.

BE it kend till all men be thir present lettres, ws, Francis Erle Boithuile, Lord Haillis, Creichtoun and Liddisdaill, Grit Admirall of this realme, to haif ressauit, admittit, and rentalit, and be the tennour heirof ressauis, admittis, and rentalis our louit Martene Ellot of Braidlie in kyndlie tennent to ws in all and haill the ane half of the tuentie four schilling land of Kilfurde, occupyit be the said Martene, and als ressauis Sym Ellot, sone to the said Martene, in kyndlie tennent to ws in all and haill the fyftene schilling land of Hietrie Clewis, with the pertinentis, presentlie occupyit be the said Martene and his subtennentis, and in all and haill fyve half quarteris of the fourtie schilling land of Ricartoun Cleucht, with the pertinentis, presentlie occupyit be the said Sym, lyand within our lordschip of Liddisdaill and scherefdome of Roxburgh: Payand thairfoir zeirlie the said Martene to ws, our successouris and chalmerlanis, for the said half of Kilfurde, the sowme of tuelf schillingis money, and als the said Sym Ellott, his sone, payand for the saidis landis of Hietrie Clewis, the sowme of fyftene schilling, and for the said fyve half quarteris of Ricartoun Cleuch, tuentie fyve schillingis, at tua termes in the zeir, Witsounday and Martimes in the the zeir, Witsounday and Martimes in winter, be equale portionis of maile, with vther dewteis, and dew seruice vsit and wount, being requyrit thairto allanerlie: reseruand to the said Martene Ellot his lyferent of the saidis landis of Hietrie Clewis for all the dayis of his lyfetyme. In witnes of the quhilk thing we haif subscriuit thir presentis with our hand, at Kelso, the nynt day of October, the zeir of God j^{m} v^{c} foure scoir and sex zeiris, befoir thir witnesses, Mr. Robert Hepburne, Alexander Agnew, Peter Collace, our seruitouris, and Mr. Johne Kene, scribe. BOTHUELL.

206. LEASE by FRANCIS EARL BOTHWELL to WILLIAM ELLIOT, of the lands of Culgatis. 9th October 1586.

BE it kend till all men be thir present letteres, ws, Francis Erle Boithuele, Lord Haillis, Creichtoun and Liddisdaill, Grit Admirall of this realme, to haif ressauit, admitit, and rentalit, and be the tennour heirof ressauis, admittis, and rentalis our louit Wille Ellot, sone to vmquhile Willie Ellot, callit the Tod, in kyndlie tennent to ws, in all and haill the tuelf schilling land of Culgatis, with the pertinentis, presentlie occupyit be Martene Ellot of Braidlie, lyand within our lordschip of Liddisdaill and shirefdome of Roxburght: Payand thairfoir zeirlie, the said Willie

Ellot, to ws, our successouris and chalmerlanis, the sowme of tuelf schillingis money, at tua termis in the zeir, Witsounday and Martimes in winter, be equale portionis of maile, with vther dewteis and dew seruice vsit and wount, being requyrit thairto, allanerlie. In witnes of the quhilk thing we haif subscriuit thir presentis with our hand, at Kelso, the nynt day of October, the zeir of God l^{m} v^{c} fourescoir and sex zeiris, befoir thir witnessis, Maister Robert Hepburne, Alexander Agnew, Peter Collace, our seruitouris, and Mr. Johne Kene, scribe.

BOTHUELL.

207. LICENCE by KING JAMES THE SIXTH to WALTER SCOTT of Branxholme, knight, to remain in Edinburgh and Leith till he left the country. 4th September 1591.

REX.

WE, vnderstanding that our louit Schir Walter Scot of Branxholme, knycht, is willing to depairt and pas furth of our realme betuix and the sevint day of September instant, gif wind and wother serue, conforme to our licence and cautioun fund be him to that effect, and in cais wind and wother serue not at the said day, that he sall remaine within our burgh of Edinburgh and Leyth thaireftir, and on nawayes transcend the boundis thairof, quhill ayther wind and wother serue for his passage be sey, or that he resaue a sufficient pasport frome England, for his passing and depairting furth of our realme be land: In quhilk consideratioun we haue declairit, and be thir presentis declairis, that he nor James Scot of Balwerie and Williame Scot of Abbottishall, his cautioneris, in cais he depairt not preceislie at the said sevint day of September instant, sall incur na cryme, pane, nor dangir thairthrou in thair personis, landis, nor guidis, notwithstanding of our act of counsale maid thairanent; anent the quhilk, and pane of ten thowsand pundis contenit thairin, we dispense vnto the tyme that ayther the wind and wother be favourable, and serue for the said Schir Walteris depairting furth of our realme be sey, or that he ressaue the said pasport allanerlie for his passage be land as said is, be it alwes vnderstand that he remaine within our said burght of Edinburght and Leith, in the menetyme, eftir the said day, quhill his foirsaid depairture, be thir presentis subscriuit with our hand, at Falkland, the ferd day of September 1591.

JAMES R.

Sr. I. T. Cancellarius.

208. LEASE by SIR WALTER SCOTT of Branxholme, knight, to GILBERT ELLIOT, of the lands of Comounsyde, Northcroft, etc. 7th September 1591.

BE it kend till all men be thir present letres, me, Schir Walter Scott of Branxholme, knycht, heretour of the landis vndirwrittin, for the gud, trew, and thankfull seruice done and to be done to me be my louit freind and seruitour, Gilbert Ellot, brother germane to Robert Ellot of Reidheuch, thairfoir, and for diuers vtheris causis and considerationis moving me, to haue enterit, ressauit and rentallit, and be the tennour heirof enteris, ressauis and rentallis the said Gilbert and his airis kyndlie rentallaris and tennentis in and to all and haill my fourtie schilling land of auld extent. callit Commounsyde, with the Northcroft, Hill-end and Stoghill, with the pertinentis, presentlie occupyet be him; Payand thairfoir zeirlie, the said Gilbert and his airis to me, my factouris or chalmerlanis in my name, the sowme of fyve pundis vsuall money of this realme, at twa termes in the zeir, Witsonday and Mertimes in winter, be equall portionis, of maill, gif it beis askit allanerlie. In witnes of the quhilk thing I haue subscriuit this rentall with my hand, at Edinburgh, the sevint day of September, the zeir of God 1m vc fourscoir and ellevin zeiris, befoir thir witnesis, Mr. Gedioun Murray, Gilbert Ker of Grenehead, James Chisholme, and Johnne Geddes, my seruitouris.

Mr. G. MVRRAY, witnes.
GILBERT KER, witnes.
JAMES CHESEHOLME, vitnes.
JOHNE GEDDES, witnes.

209. LETTER OF PARDON by KING JAMES THE SIXTH to SIR WALTER SCOTT of Branxholm, WALTER SCOTT of Harden, and WALTER SCOTT of Quhitslaid, for their alliance with Francis Earl of Bothwell. 7th September 1591.

JACOBUS Dei gratia Rex Scotorum, omnibus probis hominibus suis ad quos presentes litere peruenerint, salutem: Sciatis quia ex nostris gratia et misericordia speciali remisimus tenoreque presentium remittimus domino Waltero Scott de Branxholme militi, Waltero Scott de Harden, et Waltero Scott de Quhitslaid rancorem animi nostri, sectam regiam et omnem actionem quam seu quas contra dictas personas concepimus, habuimus habemus seu quouismodo in futurum habere

poterimus, pro eorum intercommunicatione cum Francisco olim comite de Boithwell (per nos tanquam crimen lesemaiestatis reputata), quibuscunque temporibus preteritis a declaratione et denunciatione ipsius in proditorem et rebellem, ac pro omnibus actione et crimine que desuper sequi aut contra dictas personas imputari poterint tantum, et supradictas personas sub firma pace et protectione nostra juste suscipientes firmiter inhibemus ne quis eis occasione predicte intercommunicationis malum, molestiam, iniuriam aut grauamen aliquod inferre presumat iniuste super nostram plenariam forisfacturam, aut mortem eis inferat sub pena amissionis vite et membrorum: In cuius rei testimonium has literas nostras remissionis pro toto tempore vite prefatarum personarum duraturas nostro sub magno sigillo eis fieri fecimus patentes: Apud Falkland septimo die mensis Septembris anno Domini millesimo quingentesimo nonagesimo primo, et regni nostri vicesimo quinto.

210. Licence by King James the Sixth to Sir Walter Scott of Branxholme to return home. 12th November 1592.

Rex.

We, be the tenour heirof, gevis and grantis licence and libertie to oure weilbelouit Schir Walter Scot of Branxholme, knycht, to repair and returne hame within oure cuntriey with sik convenient diligence as he sall think expedient, without ony cryme, skaith, paine, or danger to be incurrit be him or his cautioneris fund for his remaning furth of oure realme duringe the space of thrie zeiris, in thair personis, landis and guidis, be ony maner of way in tyme cuming, nochtwithstanding of the act of cautioun maid thairanent: anent the quhilk and panis thairin contenit, we dispens with him and his cautioneris specefeit thairintill be thir presentis. Gevin vnder oure signet, and subscriuit with oure hand, at Halyrudhous, the tuelt day of Nouember, and of oure rigne the tuentie sex zeir 1592.

Sr. R. C., Secretarius.

211. Procuratory of Resignation by Ludovick Duke of Lennox, of the Earldom of Bothwell. 1st October 1594.

Be it kend till all men be thir present lettres, ws Lodouik, Duik of Lenox, Erle Dernlie, Lord Tarboltoun, Methven and Aubigney, etc., Grit Chalmerlane of Scot-

land and heretable proprietar of all and sindrie the landis, lordschipis, baroneis and vtheris respectiue eftir specifeit, and haueing thairby vndoutit rycht thairto, and seclyk to all and sindrie the abbaceis eftirspecifeit, kirkis, . . . with expres consent and assent of Schir Johne Maitland of Thirlstane, knycht, chancellar of Scotland, Walter Commendatar of Blantyir keipar of the privie seill, Mr. Dauid Carnegy of Culluthy our curatoris for thair interess, and of Johne Erle of Mar, Lord Erskyne, etc., Schir Alexander Stewart of Garleis, Schir Mathew Stvart of Mynto knycht, William commendatar of Pittinweme, Mr. Johne Lyndesay persone of Menmuir, Mr. James Elphinstoun of Innernochtie, tua of the Senatoris of the College of Justice, Mr. Gilbert Moncreif of Myrsyd, Sir William Stuart of Traquair knycht, at quhais instances we ar interdytit, to haue maid, constitut . . . Mr. Gedeon Murray of Glenpoytte
and ilk ane of them . . . our . . . procuratoris . . . to pas to the personall presens of the rycht heich, exellent and mychtie prince, James the sext be the grace of God, King of Scottis, our Souerane Lord, our superior of all and sindrie the landis, lordschipis, baroneis and vtheris respectiue eftirspecifeit, and siclyk our vndoutit patrone of all and sindrie the abbaceis eftirmentionat, kirkis, landis, . . . thairof, and thair . . . be staf and bastoun purelie and simplie to resigne . . . in the handis of our said Souerane Lord, . . . all and sindrie our landis, lordschippis, baroneis, abbaceis and vtheris eftir specifeit: thay ar to say, our lordschip and baronie of Haillis, with . . . rycht of patronage of the Kirk of Hauch, callit the prebendarie of Lyntoun and chaplanrie of Mirkill; the landis of Pitcokis with the kirk and prebendarie thairof and chaplanrie of Burnehous, the landis and baronie of Auldhamestokis . . . with the kirk of Auldhamstokkis, the chaplanrie of Cukburnspetht and hospitall thairof, the landis of Eisteraig, the landis of Heprig, all and sindrie the landis and baronie of Morhame . . . with the kirk of the samyn, lyand within the Scherefdome of Edinburghe and constabularie of Haddingtoun; all and haill the landis and lordschip of Creichtoun, with . . . rycht of patronage of the provestrie of Creichtoun, prebendareis and cheplanreis thairof quhatsumeuir; the landis of Murhous and Cuprestoun . . . lyand within the scherefdome of Edinburghe principall; all and haill the landis and baronie of Quhitsum and richt thairof, the landis of Prendergaist, Quhitrig, Abchester, Scherefbigging, Schereflandis . . . lyand within the Scherefdome of Bervick; all and haill the landis and baronie of Tounzettam . . . the landis of Farningtoun, with the Hospitall thairof . . . the landis of Langnewtoun . . . the landis and baronie of Woltoun, with the kirk thairof . . . the landis and baronie of Chalmerlane

Newtoun . . . lyand within the scherefdome of Roxburghe; the landis of Teindsyd, Hardwod, Slaidhillis, Carlingpule, with thair pertinentis, lyand within the scherefdome of Roxburghe, the landis of Ailmyre, . . . lyand within the Scherefdome of Selkirk; all and haill the landis and baronie of Dryvisdaill and Carrutheris, with aduocatioun and donatioun of the kirk of Carutheris . . . lyand in the stuartrie of Annanderdaill and scherefdome of Dumfreis; all and haill the landis and baronie of Kirkmichell . . . the landis of Tarrachtie, . . . Drumlark, Maybie, and Crukis . . . lyand within the scherefdome of Dumfreis; All and haill the landis and baronie of Dirlstoun callit Glenken . . . with aduocatioun and donatioun of the Kirk of Dalry, lyand in the stuartrie of Kirkcudbrycht; all and haill the landis and lordschip of Bothuell, with the forrest, mure and pertinents thairof . . . rycht of patronage of the provestrie of Bothuell, prebendareis and chaplanreis thairof, and of the Kirk of Hawik, and prebendareis of the said College, and Kirk of Bartramschoittis, lyand within the Scherefdome of Lanerk; all and haill the landis and baronie of Elgariggill, Wolstoun, and Dolphingstoun, with aduocatioun and donatioun of the kirkis and chaplanreis of Wolstoun and Dolphingstoun; all and haill the landis and baronie of Dunsyre, . . . lyand within the scherefdome of Lanerk; togidder with all and haill the landis and lordschip of Liddisdaill with . . . rycht of patronage of kirkis and chaplanreis pertening thairto . . . lyand within the scherefdome of Roxburghe, haldin be ws immediatlie of our souerane lord . . . with all and haill the Abbaceis of Kelso and Coldinghame . . . in our said souerane lordis handis as our immediat superior and patroun of the saidis landis, lordschipis, baroneis, abbaceis, and fruitis thairof, to the effect the samyn may remane with his Hienes and his successoris in propertie and proper patrimonie perpetuallie in all tymes cuming . . . saueand alwayis and reservand to ws, our airis and successoris, all and haill the offices of admiralitie of this haill realm . . . and lykwayis the office of the schereffschyp of Edinburghe principall, and within the constabularie of Hadingtoun, with all and sindrie liberteis, rychtis, profeitis . . . belonging to the saidis offices, and . . . we and our forsaidis sall peciablie bruik joy and posses the foirsaidis offices . . . In witnes heirof, we and our saidis curatoris and personis foirsaidis to quhom we ar interdytit, haue subscryvit thir presentis with our handis, and haue also appendit our seill heirto. At Edinbrucht the first dayis respectiue of October, the zeir of God ane thowsand fyve hundreth fourscoir fourtene zeiris, befoir thir witnessis, Mr. Henrie Keir of Greinland our secretar, Maister Thomas Levingstoun thesaurar of Glasgw, Patrik Murray

of Falahill, and Maister Thomas Rollok aduocat, our servitour, and Maister Robert Guidlaitt, servitour to the said Mr. Thomas, and writter of the body heirof with vtheris dyuers.

	LENOX.	PETTYNWEM.
	J. E. MAR.	MYNTO, kt.
	Sir J. THYRLSTANE.	Mr. JOHN LYNDESAY.
Mr. Walter Henrysone, witnes.	BLANTYRE.	Mr. J. ELPHINSTOUN.
Mr. Thomas Rollok, witnes.	TRAKQUAIR.	CULLUTHY.
Mr. Robert Guidlatt, witnes.[1]	GARLEIS.	Mr. GILBERT MONTCREIF.

212. CHARGE by KING JAMES THE SIXTH to deliver up the Castle of Armetage. 4th October 1594.

JAMES, be the grace of God King of Scottis, to our louittis messingeris, oure shereffis in that parte, coniunctlie and seueralie specialie constitute, greting: Oure will is, and we charge you straitlie, and command that, incontinent thir oure lettres sene, ye pas, and in our name and auctoritie command and charge, . . . and all vthiris hauearis, keiparis, and detenaris of the Castell, tour and fortalice of Armetage, to rander and delyuer the same to you, our officiaris, executouris of thir our lettres, and that thai remove thame selffis and thair seruandis furth thairof within sax houris nixteftir thay be chargeit be you therto, vndir the pane of tressoun, with certificatioun to thame and thay failzie thay salbe repute, haldin, persewit and denuncit as tratouris, and the proces and dome of forfaltour salbe led aganis thame, conforme to the lawis of our realme and actis of our parliament, as ze will ansuer to ws thervpoun: The quhilk to do we committ to you, coniunctlie and seueralie, our full pouer be thir oure lettres, delyueriug thame be you deulie execute and indorsate agane to the beirair. Gevin vndir our signet, at Haliruidhous, the fourte day of October, and of our reignne the xxviij zeir, 1594.

Per actum Secreti Consilij, etc.,

J. ANDRO.

[1] By ratification, dated 20th July 1587, and registered in the Books of Council and Session 3d January 1598, Ludovick Duke of Lennox ratified this resignation, and also the charter and infeftment made by King James the Sixth thereon.—[Extract Ratification in Buccleuch Charter-chest.]

213. Bond of Manrent by the Family of the Batys, descended of the House of Cowchquhairglen, to Sir Walter Scott of Branxholm, knight. 24th April 1595.

Be it kend till all men be thir present letteris, ws, Alie Baty of Blaikesk, Johnne Baty of Davingtoun, Andro Baty, callit Hewis Andro, Johnne Baty of the Scoir, and Johnne Baty, callit Arthuris Jok, for our selffis, and takand the burding vpoun ws for our haill surname of Batyis cumit of the hous of Cowchquhairglen (excepte Johnne Baty of Ranelburne and his brether), to be bundin and oblisit, and be thir presentis be the faith and treuth of our bodyis bindis and oblissis ws and our airis to the rycht honorabill Schir Walter Scot of Branxholme, knycht, in speciall men and servandis to him and his airis, that we sall serue the said Schir Walter and his airis lilalie and treulie, and tak ane anefald, leill, trew and plane part with thame, in all and quhatsumeuir caussis, actionis and querrellis contrair and aganis all that levis and die may, (oure alledgeance to oure souerane Lord allanerlie exceptit,) and salbe reddy at all tymes to do our said maisteris seruice quhen we salbe requirit thairto, but dissimulatioun, fraude or gyle, be this our band, subscriuit with our handis as followis, at Hawik, the tuentie fourt day of Aprile, the zeir of God ane thowsand fyve hundreth fourscore fyftene zeiris, before thir witnessis Maister Gedion Murray of Glenpoit, Walter Scot of Harden, and Johnne Murray and William Scot callit Mekill Willy, with vtheris diuerss.

Alie Baty of Blakesk, Johnne Baty of Davingtoun, Andro Baty callit Hewis Andro, Johnne Baty of the Scoir, and Johnne Baty callit Arthuris Jok, with our handis at the pen, led be the notar vnderwrittin at our commandis.

Ita est vt supra Hugo Bowstoun notarius publicus de mandato dictarum personarum scribere nescientium manu propria.

Mr. G. Mwrray, witnes.

214. Bond of Manrent by John Waiche, feuar of Dauik, to Sir Walter Scott of Branxholme, knight. 1595.

At Hauik, the day , the zeir of God, j^{m} v^{c} fourschore xv zeiris, I, Johne Waiche, fear of Dauik, becommis bound and oblisat, and be the present tenner heirof beindis and oblisis me, wnto the rycht honorabill Schir Walter Scot of Brankholme, knycht, till serf, depend vpone the said Schir Walter

at all tymis quhen soeuer he pleisis, till scharge with him contrary all vtheris quhat scoumeuer, the Kingis Magestie being exceiptit, and for the mair waryfecatioun of obserfing, fulfilling, and keiping of this my band of seruis and dependance, I haue scoubscryuit the samyng with my hand, day, zeir, and plaice forsaid, before thir witnes,

William Wiache.
William Waiche, witnes.
Andro Vaiche, witnes.

JOHNE WAICHE, fear of Dauik.

215. INDENTURE between the RIGHT HONOURABLE SIR WALTER SCOTT of Branxsome and HENRY LEIGHE, Depute Warden of West Marches of England, as to pledges for Liddesdale. 3d March 1597.

INDENTURE at Copshawe Holme, the third day of Marche 1597, betwene the Right Honorable Schir Walter Scott of Branksome, knight, Lorde of Liddesdale, and Henrye Leigh, esquier, Depute Warden of the West Marches of England, towching the deleuerie of pledges for Liddesdale, conforme to the Princes and theyr Highnes Commissioners, as foloweth: first, deliuered by the sayd Lorde of Lidesdale, these persons, Scotismen, folowing, vizt. :—

William Ellwald of Duneleabyre.
Syme Armestrang, younger, Larde of Cohithaugh.
William Ellwald of Steale.
William Ellwald, soune to Arche of Clintwood.
William Nixon, alias Kneates, of Highessches.

Baclughe

HE. LEIGHE.

Dorso.—Indentour betuixt the Laird of Baclughe and Hary Lieghe.

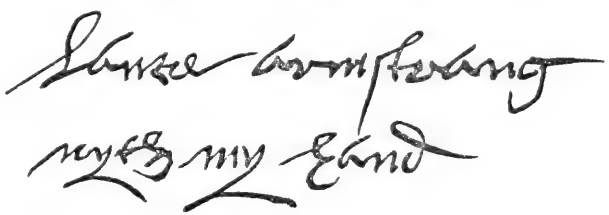
216. BOND by LANCIE ARMESTRANG, elder of Quhithauch, SYM ARMESTRANG of Mayngertoun, and others, to be answerable to the Laird of Balcleuch for misdemeanours in Liddesdale. 30th September 1599.

BE it kend till all men be thir present lettres, we, Sym Armestrang of Mayngertoun, Lancie Armestrang, elder of Quhithauch, zoung Lancie Armestrang, sonne to Sym of Quhithauch, Johnne Armestrang of Tyneisburne alias lairdis Jok, and Niniane Armestrang of Tueden or of the Maynis; forsamekle as the richt honor-

able the laird of Balcleuch, be vertew of the generale band, hes fund caution and bund and oblist him that the haill inhabitantis of the boundis of Liddisdaill, and sic as are recept therin, sall be ansuerable to the Kingis Maiestie and his lawis, vnder the panis contined in the actis maid theranent, and we being willing that he sall incur na skaith, hurt, or dammage thairby, we, for our selffis, and takand the burding on ws for oure haill brenches, men, tennentis, seruandis, and sic as sall be recept on oure landis, rowmes, steadingis and possessionis, or in oure houses, bindis and oblissis, coniunctlie and seueralie, that we and oure foirsaidis sall be ansuerable to the said laird of Balcleuch, in sort as quhen we or any of our foirsaidis sall be called be him, his deputtis, or officiares quhasumeuer of thame selffis for any thing, or to ansuer any complaint from England, or vpoun the Kingis Maiestie his hienes counsale, or his iustices preissing or chalenge vpoun any complaint from the subiectis of Scotland, that we, within fyvetene dayis, or vther competent tyme, sall present oure selffis, or sic of oure foirsaidis as sall be complined vpoun, personalie, or ellis we to becum debtoris for the lossis of the plaintiffis, quhither we or any of oure foirsaidis be the actoris of the enormities, sall be chalenged, and we, for oure selffis, and takand the burding on ws as said is, coniunctlie and seueralie, sall releiue the said laird of Balcleuch anentis all contined in the said generale band, and make redresse therof as we sall be chairged, coniunctlie or seueralie, be him, his deputtis or officiares, incace we or oure foirsaidis be convict in the brek of any pointe of the samin, and submittis oure selffis to the said laird of Balcleuchis awin court, thair to abyde tryale anent the premissis befoir him and his deputtis, and, being convict thairby, we are content and consentis that vpoun the sicht of thir presentis and the particulares contined in his decreit letteris, be delyuerance of the lordis of Counsale, of horning, poinding and warding, the ane without preiudice of the vther, on ane simple charge of thrie dayis alanerlie, be direct thairvpoun, in forme as effeiris; and we, the foirsaidis personis that hes taken the burding on ws, as said is, bindis and oblissis ws, oure airis, executouris and assignayis, ilk ane for oure awin pairtis, to releue vtheris of the premissis, incase it sall happin any ane or mae of ws be chairged thairwith by ane vther, and als we bind and oblis ws to renew thir presentis to the said laird of Balcleuch sa oft as we sall be chairged thairwith, coniunctlie or seueralie; and, for the mair securitie, we are content, and consentis that thir presentis be insert and registrat in the bukis of Counsale, to haiff the strenth of ane act and decreit of the lordis thairof, and thair auctoritie to be interponed thairto, with lettres and executoriallis of horning, poinding and warding, to be direct thairvpoun, the ane without preiudice of the vther, on ane

simple charge of thrie dayis alanerlie; and to that effect constitutis
and ilk ane of them, coniunctlie and seueralie,
oure procuratoris, in the maist ample forme of constitutioun, requyring zow, and ilk ane of zow, as ze sall be requyred [to] compeir for ws, and in oure names consent to the registring heirof, conforme to the mandat abone writtin in all pointis: Quhairanent thir presentis sall be zour warrand. In witnes quhairof we haiff subscryued thir presentis with oure handis, as followis, At Branxhelme, the last day of September, the zeare of God i^m v^c fourescoir nyntene zeares; Befoir thir witnessis, Mr. Gedeon Murray of Glenpoyte, Robert Scot of Haning, Walter Cheisholme of that ilk, Robert Scot of Thirlestane, Philip Scot of Dryhoip, Gilbert Ellot of the Maynis, William Ellot of Falneesche, Robert Ellot, sonne to William Ellot of Dunliebyre, and Henrie Blakie, wryter heirof, and Roger Scot, capitane of the Armetage.

Robert Scott of Thyrlstane, wytnes.
Philip Scot, witnes.
Walter Chisholme, vitnes.
Mr. G. Murray, witnes.
Robert Scott, wytnas.
Gilbert Ellott, wetnes.
Robert Ellot, sone to Williame Ellot of Dunlibire, wittnes.



Lancie Armestrang, elder of Quhithauch, and Niniane Armestrang, abone writtin, with oure handis at the notaris pen vndersubscryvand, because we can nocht wryte oure selffis.

Ita est Henricus Blakie, notarius publicus, de mandato dictorum Lanciloti et Niniani scribere nescientium, vt asseruerunt, testantibus meis signo et subscriptione manualibus.

Ita est, vt supra, Hugo Bowstoun, notarius publicus ac conotarius in premissis, de mandato dictorum Lanciloti et Niniani requisitus, manu propria.

Tertio Octobris Anno, etc., nonagesimo nono.

Simon Armestrang of Mangertoun and Jok Armestrang, lairdis Jok, abone-writtin, with our handis at the notaris pen vndersubscryvand, because we can nocht wryte oure selffis.

Ita est Henricus Blakie, notarius publicus, de mandato dictorum Simonis et

Johannis scribere nescientium vt asseruerunt, testantibus meis signo et subscriptione manualibus.

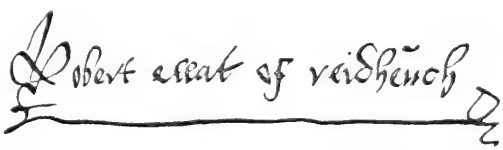
Ita est vt supra Hugo Bowstoun, notarius publicus ac conotarius de mandato dictorum Simonis et Joannis in premissis requisitus, manu propria.

217. Bond by Robert Ellot of Reidheuch and others, to the Laird of Buccleuch, as to skaith, etc., incurred by him within Liddisdale. 30th September 1599.

Be it kend till all men be thir present lettres, ws Robene Ellot of Reidheuch, Martine Ellot of Braidley, Jok Ellot of Copschaw, and Williame Ellot of Gorrumberrie, principallis of oure brenche, forsamekle as the richt honorable the Laird of Balcleuch, be vertew of the generale band, hes fund cautioun, and bund and oblist him that the haill inhabitantis of the boundis of Liddisdaill, and sic as are recept thairin, sall be ansuerable to the Kingis maiestie and his lawis vnder the panis contined in the actis maid thairanent; and we being willing that he sall incur na skaith, hurt, or dammage thairby, we for oure selffis, and takand the burding on ws for oure haill brenche, men, tennentis, seruandis, and sic as sall be recept on oure landis, rowmes, steadingis, and possessionis, or in oure houses, bindis and oblissis ws, coniunctlie and seueralie, that we and oure foirsaidis sall be ansuerable to the said laird of Balcleuch, in sort as quhen we or any of oure foirsaidis sall be called for be him, his deputtis or officiares, quhasumeuer of thaim selffis for any thing, or to ansuer any plaint from England, or vpoun the Kingis maiestie his hienes counsale, or his iustices preissing or chalenge vpoun any complaint from the subiectis of Scotland, that we, within fyvetene dayis or vther competent tyme, present oure selffis or sic of oure foirsaidis as sall be complenit vpoun personalie, or ellis we to becum debtouris for the lossis of the plaintiffis, quhither we or any of oure foirsaidis be the actoris of the enormities sall be chalenged; and we for oure selffis and takand the burding on ws, as said is, coniunctlie and seueralie, sall releue the said Laird of Balcleuch anentis all contined in the said generale band, and make redresse thairof, as we sall be chairged coniunctlie and seueralie be him, his deputtis or officiares, incace we or oure foirsaidis be convict in the brek of any pointe of the samyn, and submittis oureselffis be thir presentis to the said laird of Balcleuchis awin court, thair to abyde tryale anent the premissis befoir him and his deputtis, and being convict thairby we are content, and consentis that vpoun the sicht of thir presentis and the particulares

contined in his decreit lettres, be delyuerance of the lordis of counsale, of horning poinding and warding, the ane without preiudice of the vther, on ane simple charge of thrie dayis alanerlie, be direct thairvpoun in forme as effeiris: And we the foirsaidis personis that hes takin the burding on ws as said is, bindis and oblissis ws, oure airis, executouris, and assignayis, ilk ane of ws for oure awin pairtis, to releue vtheris of the premissis incace it sall happin any ane or mae of ws be chairged thairwith by ane vther; and als we bind and oblis ws to renew thir presentis to the said Laird of Balcleuch sa oft as we sall be chairged thairwith, coniunctlie or seueralie: and for the mair securitie, we are content and consentis that thir presentis be insert and registrat in the bukis of Counsale and Sessioun, to haiff the strenth of ane act and decreit of the lordis thairof, and thair auctoritie to be interponed thairto, with lettres and executoriallis of horning, poinding, and warding to be direct thairvpoun, the ane without preiudice of the vther, on ane simple charge of thrie dayis alanerlie, and to that effect constitutis and ilk ane of thame, coniunctlie, and seueralie oure procuratouris in the maist ample forme of constitutioun, requyring zow, and ilkane of zow, as ze sall be requyred, [to] compeir for ws, and in oure names consent to the registring of this oure band, conforme to the clause of consent abonewrittin in all pointis, quhairanent thir presentis sall be zour warrand: In witnes quhairof we haiff subscryued the premissis with oure handis as followis, At Branxhelme, the last day of September, the zeare of God 1m vc fourescoir nynetene zeares, befoir thir witnessis, Mr. Gedeon Murray of Glenpoyte, Robert Scot of Haning; Walter Cheisholme of that ilk; Robert Scot of Thirlestane; Philip Scot of Dryhoip; Henrie Blakie, notar publik, wryter heirof; Gilbert Ellot of the Maynis; and William Ellot of Falneesche; Robert Ellot, sonne to William Ellot of Dunliebyre; Roger Scot, capitane of the Armetage.

Robert Ellot, sone to Williame Ellot off Dinlybire, wittnes.
Gilbertt Ellott, wetnis.
Robert Scott of Thyrlstane, wytnes.
Mr. G. Myrray, witnes.
Robert Scott, wytnas.
Walter Chisholm, vitnes.
Philip Scot, witns.



MAIRTEN ELLAT of Braidle.

Jok Ellot of Copschaw abonewrittin, with my hand at the notaris pen vndersubscryvand, because I can nocht wryte my selff.

Ita est Henricus Blakie, notarius publicus, de mandato dicti Johannis scribere nescientis, vt asseruit, testantibus meis signo et subscriptione manualibus.

Ita est, vt supra, Hugo Bowstoun, notarius publicus ac conotarius, de mandato dicti Johannis Ellot, in premissis requisitus, manu propria.

Tertio Octobris anno, etc., nonagesimo nono.

Williame Ellot of Gorromeberrie, abonewrittin, with my hand at the notaris pen vndersubscryvand, because I can nocht wryte my selff.

Ita est Henricus Blakie, notarius publicus, de mandato dicti Guilielmi scribere nescientis, vt asseruit, testantibus meis signo et subscriptione manualibus.

Ita est, vt supra Hugo Bowstoun, notarius publicus, ac conotarius, de mandato dicti Willielmi Ellot, in premissis requisitus, manu propria.

218. LEASE by SIR WALTER SCOTT of Branxholme, knight, to GILBERT ELLOT of the Kirktoun, of the lands of Wester Comounsyde, etc. 30th December 1603.

BE it kend till all men be thir present lettres, me, Schir Walter Scott of Branxholme, knycht, for seruice done and to be done to me be my louit Gilbert Ellot of the Kirktoun, to haue rentallit and admittit, and be the tennour heirof rentallis and admittis the said Gilbert Ellott, and his airis kyndlie tennentis to me and my airis in all and hail my fourtie schilling land of Westir Comounsyde, and tuenty schilling land of Norcroft, with the pairtis, pendiclis, and pertinentis of the samyn: payand thairfoir zeirlie the said Gilbert Ellot and his airis, to me and my airis, my factouris and seruitouris in my name, the sowme of thrie pundis money of this realme of Scotland, at tua termes in the zeir, Witsounday and Mertimes in winter, be equale portionis, gif it be askit allanerlie. In witnes heirof (thir presentis being writtin be Laurence Scott, wryter in Edinburgh,) I haue subscryuit thir presentis with my hand, at Havick, the penult day of December, the zeir of God 1^{m} sex hundreth and thrie zeiris, befoir thir witnessis, Mr. Gedeon Murray of Eliebank, Jhone Murray, and Mr. Jhone Ross, my servandis, with divers vtheris.

Mr. G. Mvrray, witnes.
Mr. Johne Ross, vitnes.
Johne Murray, witnes.

Buccleuche

219. COMMISSION by KING JAMES THE SIXTH to create SIR WALTER SCOTT of Branxholme, LORD SCOTT OF BUKCLEUCH. 18th March 1606.

JACOBUS Dei gratia Magne Britannie Francie et Hybernie Rex, etc., Fideique Defensor, omnibus probis hominibus suis ad quos presentes litere peruenerint salutem: Cum apud omnes reges et liberos principes hisce multis sæculis præteritis inueterata et maxime laudabili et sacrosancta consuetudine inualuerit et obseruatum sit præferre, honorisque ac dignitatis et præ cæteris eminentiæ titulis et gradibus eos extollere augere et afficere quorum digna et egregia officia et benemerita ex suis virtute plenis conatibus ad augendam suorum principum amplitudinem et obsequia procurandaque suæ patriæ commoda dignitatem et honorem bene meruerint: Nos itaque habita ratione egregiorum officiorum hisce multis annis præteritis fidi et charissimi consiliarij nostri Domini Walteri Scott de Branxholme, militis, suarumque rerum strenue et fortiter gestarum, in nostram nostrique regni et reipublicæ egregiam commendationem vtilitatem et laudem multarumque suarum singularium partium cum propensa et liberata dispositione et voluntate in nostrum obsequium animique sui affectionem in suam patriam eiusdemque commoda et honorem coniuncta, dedimus et concessimus, prout hisce nostris literis, damus concedimus et committimus predilecto nostro consanguineo et consiliario Joanni Montis Rosarum Comiti, Domino Grahame et Mukdok, etc. nostro primario procuratori seu commissionario in dicto regno nostro Scotiæ, eoque siue ægroto siue absente, predilecto nostro consanguineo et consiliario Alexandro Comiti Fermeloduni, Domino Fyvie et Vrquhart etc. nostro dicti nostri regni Scotiæ Cancellario, nostram amplam et plenam potestatem, procurationem seu commissionem, faciendi, creandi, constituendi, ordinandi et inaugurandi prefatum Dominum Walterum Scott de Branxholme militem, Walterum Dominum Scott de Bukcleuch etc. Dantes, concedentes et committentes ipsi, suisque heredibus masculis in futurum, dictum titulum, dignitatis et honoris gradum, vt in futurum Domini Scott de Bukcleuch vocentur, habeantque locum et suffragia in omnibus ordinum regni nostri Scotie comitijs publicis seu parliamentis generalibus et publicis consilijs et conuentibus dicti regni nostri Scotie, sicut eiusdem domini maioresque barones eoque nomine, cum omnibus honoribus priuilegijs et immvnitatibus cuicunque domino aut maiori baroni dicti nostri regni Scotiæ pro suo ordine debitis: In cuius rei testimonium presentibus magnum sigillum nostrum apponi præcepimus: Apud palatium nostrum Albæ Aulæ decimo octauo die mensis Martij,

anno Domini millesimo sexcentesimo sexto et regni nostri annis tricesimo nono et tertio.

[*Dorso*]—Written to the Great Seill, 16th Maij 1606.

RO. SCOTT.

Presented and sealled at Edinburgh, 16th Maij 1606.

J. RAITHE, gratis.

220. MINUTE OF ADMISSION of WALTER LORD BUCCLEUGH as one of the Privy Council of Scotland. 26th February 1611.

Apud Edinburgh, vicesimo sexto die mensis Februarij Anno Domini j^m vj^c vndecimo:

THE quhilk day the Lordis of Secreit Counsaill, according to ane speciall warrand and directioun in wryte signed be the Kingis Maiestie, and presentit this day vnto thame, ressauit and admittit Walter Lord Bugcleugh to be ane of the nomber of his Maiesteis Preuey Counsaill of this kingdome, lykeas the said Lord of Bugcleugh acknowlegeing with all dew reuerence and most humble thankis the Kingis Maiesteis gratious fauour showne vnto him in preferring of him to this place of dignitie and honnour, he humelie vpoun his knees, his hand lyand vpoun the holie evangell, maid and gaif his solemne oathe of allegeance and the oathe of a preuie counsellour, in the forme, tennour, and wordis following:

THE OATHE OF ALLEGEANCE.

I, for testificatioun of my faithfull obedience to my most gratious and redoubtit souerayne, James, King of Grite Britayne, France, and Irland, Defendair of the Faithe, afferme be this my solemne oathe, testifie and declair that I acknouledge my said Souerane onlie supreame gouernour of this kingdome ouer all personis and in all caussis, and that no foreyne prince, pouer, state, or persone, ather civile or ecclesiastique, hes ony iurisdictioun, power, or superriotie over the same, and thairfoir I do vtterlie renunce and foirsaik all foreyne iurisdictionis, poueris, and authorityis, and shall at my vttermost pouer defend, assist, and manteyne his Maiesteis iurisdictioun forsaid aganis all deidlie, and nevir declyne his Maiestie his pouer nor iurisdictioun by this my oathe, my hand vpoun the holie evangell, so help me God.

THE OATHE OF A PREUIE COUNSELLOUR.

I sweare to be ane trew and faithfull seruand vnto the Kingis Maiestie, as ane of his Preuie Counsaill, I shall not knowe or vndirstand of ony maner thing to be attempted, done, or spokin aganis his Maiesteis persone, crowne, or dignitie royall, bot I shall latt and withstand the same to the vttermost of my pouer, and outher caus it to be reveillit to his Maiestie himselff or to suche of his Heynes Preuie Counsaill as shall aduerteis his Heynes of the same; I shall in all thingis to be moved, treated, and debaitit in Counsell, faithfullie and trewlie declair my mynd and opinioun according to my hairt and conscience, and sall keepe secreit all materis committit and revealed vnto me, or that salbe treated of secreitlie in Counsell; and yf ony of the same treatyis and counsallis shall twitche ony of the Counsellouris, I shall not reveill it vnto him, bot sall keepe the same, vntill suche tyme as by consent of his Maiestie, or of the Counsaill, publicatioun salbe maid thairof, and generallie in all thingis I sall do as a faithfull and trew seruand and subiect aucht to do to his Maiestie, so help me God, and by the holie contentis of this booke.

Extractum de Libris Actorum Secreti Consilij supremi domini nostri Regis per me Jacobum Primrois, clericum eiusdem, sub meis signo et subscriptione manualibus.

JACOBUS PRYMROIS.

221. PATENT by KING JAMES THE SIXTH creating WALTER LORD SCOTT of Buckcleuch EARL OF BUCKLEUCH AND LORD SCOTT OF QUITCHESTER AND ESKDAILL. 16th March 1619.

JACOBUS Dei gratia Magne Britannie Francie et Hybernie Rex, etc., Fideique Defensor, omnibus probis hominibus suis ad quos presentes litere peruenerint salutem: Sciatis quod cum in more positum sit apud omnes reges liberosque principes multis his annis preteritis illos quorum preclara et insignia gesta bonaque seruitia id ipsum demeruit tam ad ipsorum principum potestatem augendam et obedientiam conseruandam quam ad dignitatem honorem et commoditatem suæ patriæ stabiliendam titulis gradibusque honoris, dignitatis et preeminentiæ supra reliquos extollere: Et nos memoria recolentes preclara gesta, bonum fidele et gratuitum seruitium per predilectum nost[r]um conciliarium Walterum Dominum Scott de Buckcleugh suosque predicessores nobis nostrisque preclarissimis progenitoribus tam infra

hoc regnum nostrum quam in exteris nationibus in quarundam commissionum nobis cognitarum sibi demandatarum fideli executione prestitum et impensum, et vt ipsum aliosque nostros fideles subditos ad talia laudabilia seruitia temporibus affuturis exequenda excitaremus; igitur creauimus, fecimus et constituimus tenoreque presentium creamus, facimus et constituimus prefatum predilectum nostrum conciliarium Walterum Dominum Scott de Buckcleugh, Comitem de Buckcleugh, Dominum Scott de Quhitchester et Eskdaill, dantes, concedentes et committentes sibi suisque heredibus masculis prefatum titulum, gradum, dignitatem et honorem, vt omni tempore affuturo, Comites de Buckcleugh, Domini Scott de Quhitchester et Eskdaill indigitentur et appellentur, et vt locum et suffragium in omnibus Parliamentis generalibus, statuum conventionibus publicisque, dicti regni consilijs prout Comites ibidem habeant, vnacum nomine cunctisque alijs honoribus priuilegijs et immunitatibus cuiuis Comiti infra dictum regnum nostrum Scotiæ eorumque ordini debitis: Insuper precipientes Leoni Armorum Regi suisque fratribus fæcialibus vt tales insignium et armorum additiones presentibus dicti Walteri Domini Scott de Buckcleugh armis adjungant et prescribant quales in talibus adjungere consueuerunt: In cuius rei testimonium presentibus magnum sigillum nostrum apponi precepimus: Apud Newmarket decimo sexto die mensis Martii, anno Domini millesimo sexcentesimo decimo nono, regnorumque nostrorum annis quinquagesimo secundo et decimo sexto.

Per signaturam manu Supremi Domini nostri regis suprascriptam, ac manibus Cancellarij Regni Scotie et quorundam aliorum Dominorum Secreti Consilii eiusdem Regni subscriptam.

[*Dorso*]—Writtin to the Great Seall 29 Martij 1619.

J. Scott.

Sealled at Edinburgh 29 Martij 1619.

Ja. Raithe.

222. Information as to Robert Elliot of Reidhuch. [*Circa* 1624.]

Information for the Erle of Buccleughe tuitcheing Robert Ellot, callit of Reidheuche.

The said Robert Ellot, callit of Reidheuche, the tyme of the foirfaltrie of vmquhill Francis, sumtyme Erle of Bothuell, had in possessioun all and haill the landis of Over and Nather Lareistounis, the landis of Reidheuche, the landis of Hartsgarthe and Liefauld, the landis of Corrischeill, the landis of Lahauche, the landis of

Leyhauche, and the landis of Dowmanie, quhilkis wer all pairtis and pertinentis of the lordschip of Liddisdaill; and the said vmquhill Frances, sumtyme Erle of Bothuell, being foirfaultit, as said is, in the zeir of God 1591, and the richt of the haill landis be his foirfaultrie being disponit to the Erle of Buccleughe, his Lordship sufferit the said Robert Ellot peacibillie to posses the saidis landis quhill the said Robert Ellot miscareit himself, and did conteme the Erle of Buccleughe, baith by oppressioun of his tennentis in Liddisdaill, as lykwayes in ploitting all the courssis that he could to lay the haill lordship of Liddisdaill waist; than the Erle of Buccleughe, considdering his carriage, did wairne him, in the zeir of God 1608 zeiris, to flit and remove fra the haill foirsaidis landis, lykeas, vpoun the said wairneing, the said Erle of Buccleughe obteinit decreit of removeing aganis him for removeing fra the saidis landis, in the said zeir of God 1608; and the said Erle of Buccleughe being deceist in anno 1612, Walter, now Erle of Buccleughe, as sone and air to his vmquhill father, obteinit the said decreit of removeing transferrit in him active, and in the said Robert Ellot passive, as the said decreit of the dait the fourt of Merche 1612 zeiris beiris; notwithstanding that this Erle of Buccleughe and his father had sufficient richt to the saidis landis continewallie, sen the zeir of God 1591, quhilk was the tyme of the foirfaultrie of the said Frances Stewart, zit they sufferit the said Robert Ellot peacibillie to posses the saidis landis without any payment of maill or dewtie or taxatioun to his Maiestie, to the said zeir of God 1612 zeiris, being the space of tuentie ane zeiris; and the said Robert Ellot continewing in his evill courssis, this Erle of Buccleughe, as sone and air to his said father, chairgit the said Robert Ellot, with lettres of horneing, to flit and remove fra the haill landis abonewrittin, and throw the said Robert his disobedience, he was denuncit rebell, and put to the horne, and lettres of captioun and possession purchast thairvpoun.

Than the said Robert Ellot, apprehending his dainger, delt with this Erle of Annandaill, being than designit Johne Murray of Lochmaben, ane of the groumes of his Maiesties bedchalmer, King James the Sext, of eternall memorie, that he wald travell and deall with this Erle of Buccleughe for ane richt to him of the saidis landis, and ane dischairge of all bygaine violent proffeittis of the saidis landis, and the Erle of Buccleughe being at Court, the said Erle of Annandaill movit the said Erle of Buccleughe to zeild to the said Erle of Annandaill his desyre, and thairvpoun the said Erle of Buccleughe gave to the said Erle of Annandaill ane band and obligatioun not onlie to grant him ane heretable richt of the saidis landis, bot also to dischairge him of all bygaine violent proffeittis of the landis

abonewrittin; according to the quhilk band, grantit be the said Erle of Buccleughe to the said Earl of Annandaill, the said Erle of Buccleughe, at his comeing and returning home to Scotland, gave and grantit to the said Robert Ellot ane heretabill richt of the saidis landis, with ane dischairg of all bygaine violent proffeittis.

And all thir foirsaidis being grantit be the said Erle of Buccleughe to the said Robert Ellot, in forme and maner abonewrittin, and vpoun hoip of his amendament, zit the said Robert Ellot, never being haill myndit, of new againe ploittit aganis the said Erle of Buccleughe ane manifest falsit, and caussit vitiat the said dispositioun and chairtour in the haill substantiall pairtis thairof, and adiectit to the saidis landis in thais wordis vitiatit, the landis of Blaikhoip, Greinholles, and Langhauche, and as he possest himself in the landis trewlie disponit, sua als he possest himself in the saidis landis quhilkis he falslie vitiatit in the foirsaid chairtour: This coomeing to the Erle of Buccleughe his knawledge, his Lordship caussit intent actioun of improbatioun of the said chairtour, with all that had followit thairvpoun, and the said Robert Ellot, considdering his awin wrang, was compellit to suffer the said chairtour to be decernit to mak na faith for not productioun, and sua the haill wryttis wer decernit to mak na faith.

Thairefter, the Erle of Buccleughe caussit mak ane new wairneing aganis the said Robert Ellot for removeing fra the haill landis, obteinet decreit of removeing thairvpoun, denuncit him rebell, and pat him to the horne.

Immediatlie thairefter the said Robert Ellot, with his associatis, plottit to haif murderit and slaine the said Erle of Buccleughe at Jedburghe, being, as Commissionar of the Border, in his Maiestie's service. This last ploitting coomeing to the Erle of Buccleughe his knawledge, than the Erle of Buccleughe caussit rais vpoun the lettres of horneing lettres of captioun, and apprehendit the said Robert Ellot, and lettres of possessioun, and thairby enterit to the haill landis; and the said Robert Ellot being apprehendit and incarcerat in maner abonewrittin, confest the said interpryce, and sua quhatever the Erle of Buccleughe hes doone, is iustlie doone throw the said Robert Ellot his awin demereit.

223. Examination of Robert Elliot of Redheuch as to his intention of murdering the Earl of Buccleuch. 17th and 19th July 1624.

At Edinburgh, the xvij day of Julij 1624: In presence of the Lordis Chancellour, Thesaurour, the Earles of Mortoun, Roxburgh, and Melros:

Robert Ellott of Ridheugh examinat vpoun the purpous and intentioun of taking the Earle of Buggleughis lyffe, deponis that Gib Ellott, callit the Tutour,

proponit first to the deponer the murthour of the said Earle, saying the deponer wald never be at rest till the Earle wer cutt af, and he vndertooke to do the same within a yeir, bot the deponner never advysit nor counselled him thairunto, and sayis that Gib come to Jedburgh the tyme of a Justice Courte, and thairafter to Edinburgh, to haif done the turne, and grantis that he tauld this mater to Gawine Ellott in Halhouse, who ansuerit the deponner that Gib wes bot a feible coutcher and wald never do the turne.

At Halyruidhouse, the xix day of Julij 1624: In presence of the Lordis Chancellour and Thesaurour, the Earles of Mortoun, Roxburgh, and Melros:

ROBERT ELLOTT being demandit in quhat place Gib Ellott, callit the Tutour, first proponit vnto him the purpois concerning the murthour of the Earle of Bugcleugh, deponis, the first tyme that Gib Ellot moved that bussynes to him wes at the watersyde, neir to the deponeris duelling house of Demaynehelme, whither Gib had purpoislie come, quhair after he had regraitted the Earle of Bugcleugh his hard vsage of the deponner and the haill name, he brake af the purpois concerning the Earle of Bugcleughis lyffe, saying that if he could gett help and mantenance, he wald vndertake, vpoun the perrell of his lyffe, to do the turne within a yeir. Demandit what he ansuerit quhen Gib first proponned this mater vnto him? Grantis that he interteyned the motioun, and that Gib and he had oftentymes purpois concerning that bussynes, at euery other tyme quhen Gib come to the deponneris house. Grantis that within aucht dayes after Gib Ellott proponned this bussynes vnto him he communicat the same to Gawin Ellott in the Halhouse, who wes verie jalouse and suspitious of Gib that he durst not do the turne, calling him a feeble fellow: Demandit at what tyme and in quhat place Gib resolued to haif done the turne? Depones, the tyme of the halding of the Justice Courte in Jedburgh and thairafter in Edinburgh: Grantis that he wes in Jedburgh at that tyme whiche wes appointed for putting thair purpois in executioun. Denyis that ever he gaif ony thing to Gib Ellott to do the turne. Demandit, after the purpois failled in Jedburgh, quhat was the nixt appointed tyme and place for conferring vpoun that subiect? Deponis, they had sindrie meetingis and conferenceis thairanent, and that Gib Ellott wes of opinioun that the turne might be best done in Edinburgh, and with least danger, quhairupoun the deponner and he come to Edinburgh, wher, having attendit the event of the bussynes some certane dayes, thay, with Robin Young, returnit all home togither, bot denyis that he had ony conference with Gib

Ellott at that tyme anent the slaughter of the Earle in the presence and hearing of Robin Young; nouther rememberis he what past betuix thame in thair ryding betuix the Maxuelheugh and the Mostoure, bot grantis that befoir he come in to Edinburgh he told Robin Young that Gib Ellott had vndertane the bussynes. Demandit gif the tyme he wes in Edinburgh Gib Ellott boght ane quhingear and broght it to the deponer and Robin Young, and shew it thame, saying that it wes a fitt instrument for the purpois they had in hand? Grantis the same to be of veritie. Demandit, after his homecomeing how soone he directit Gib Ellott in to Edinburgh? Deponis, Within aucht dayes, and grantis that befoir that tyme he had send Robin Young in to Edinburgh to receaue the pryce of ane horss quhilk the deponner had sauld at his late being in toun. Demandit how meikle of the pryce of the horss ordanit he Robin Young to delyver to Gib Ellott? Deponis, tuentie pund. Demandit quhat conference he had with Gib Ellott after his bakcomeing frome Edinburgh, and that the purpois had failled thair? Deponis, He inquyred sindrie thingis of Gib, the particularis quhairof he can nocht remember. Demandit gif thair wes ony discord betuix Gib Ellott and him befoir his Lady causit sell Gib Ellott his nolt? Denyis that thair wes ever ony discord or variance betuix him and Gib.

Item, the said Robert Ellott being examinat and demandit anent the stealling of Mr. Herone in Chipsies and Williame Charletoun of Islysyde thair kye? Deponis and confess that he wes airt and pairt of the stealling and ressetting of sex kye fra Mr. Heroun, about Martymes last, and that Adie and Will Vshearis and Gib Ellott, callit the Tutour, being his awne seruandis, wer actouris with him in this thift: And forder, he confess that the said Adie and Will Vshearis, his seruandis, having stollin frome the said William Charletoun tua kye and ane ox, the saidis goodis wer broght to his house and ressett be him and eatin in his house.

224. MEMORANDUM as to the dates of Birth and Baptism of the Children of WALTER EARL OF BUCCLEUCH. [1625-1631.]

The Birthe of my Lordis Schilldrne.

13 November 1625.

Sonday, Walter was borne.

20 November, bapteised, the Erll Roxbrugh wittnes.

Thursday, 21 December 1626, Lord Frances was borne.

2 January 1627, was bapteised, my Ladie E[r]skine wittenes.

Wedensday, 28 November 1627, David was borne.
4 Descember, bapteissed.
January 1629, Ladie Jeine was borne.
13 February 1629, bapteised.
1631, xi Apryll, Ladie Mairrie borne.
November 1621, Ladie Ellizabethe borne, and bapteissed 3 Desember 1621.

[*Dorso.*]—The birth and aiges of the lait Errle of Buccleuch his haill bairnes.

225. INVENTORY of the Estate of WALTER EARL OF BUCCLEUCH, and his nomination of Tutors Testamentary. 12th January 1633.

THE testament testamentar and inventar of the goodes, geir, sowmes of money, and debtes perteaning to vmquhile ane noble and potent lord, Walter Earle of Bukcleuche, Lord Scott of Whitchester and Eskdaill, etc., the tyme of his deceis, who deceist in the moneth of j^m vj^c threttie three yeares, faithfullie maide and gevin vp be himself as concerning the nominatioun of his executores and tutores, and maid and gevin vp be Michaell Scott, chalmerlane and servitor to the said noble Earle, be advyce and at command and directioun of the richt honorabill Sir John Scott of Scottistarvat, knicht; Sir William Scott of Harden, knicht; Hew Scott, then styllit of Dewchar, and now of Gallascheilles; Frances Scott of Sintoun, brother to the said Sir William Scott; Lawrence Scott of Harperrig, advocat; Mr. William Scott, ane of the clerkes of the Colledge of Justice, his sone; Robert Scott of Hartwod Myres; and William Scott, sone naturall to the said vmquhile noble Earle, tutores testamentares nominat be his Lordship, in name and behalf of Frances, now Earle of Bukcleuche, Lord Scott of Whitchester and Eskdaill, eldest laufull sone to the said vmquhile noble Earle, as concerning the inventar of his goodes, debtes auchtand to him and debtes auchtand be him: Whilk Frances, now Earle of Bukcleuche, Lord Scott of Whitchester and Eskdaill, etc., the said vmquhile noble Earle, his father, nominat, maid, and constitute his onlie executour and intromettour with his haill goodes, geir, and debtes, in his latter will and testament vnderwrittin, as the samyn of the daitt after specifeit at lenth proportes.

In the first, the said vmquhile noble Earle had the goodes, geir, sowmes of money and debtes of the availles and pryces after following, perteaning to him the tyme of his deceis forsaid, viz., the number of sevine thowsand old sheipe, pryce of the peice therof ourheid, summa, xvj^m j^c li.: Item, the number of foure thowsand lambes, pryce of the peice therof ourheid thretteene shillings iiijd.,

Summa, ij^{m} vj^{c} lxvj li. xiij s. iiij d.: Item, the number of tuo hundreth nolt, younger and elder, pryce of the peice therof ourheid tuentie merkes, summa. ij^{m} vj^{c} lxvj li. xiij s. iiij d.: Item, the librarie of the defunctes bookes in his chalmeres and studies of Newwark, estimat to the sowme of ij^{m} vj^{c} lxvj li. xiij s. iiij d.: Item, in vtenceilles and domiceilles, with hinginges, tapestrie, silver plaite, and abuilzementes of the said vmquhile noble Earle his bodie (by the airshipe), estimat to the sowme of foure thowsand pundes money.

Summa of the inventar, xxviij^{m} j^{c} li.

Followes the debtes auchtand to the dead.

Item, ther was auchtand to the said vmquhile noble Earle the tyme of his deceis forsaid be Sir Robert Scott of Thirlestane, knicht, whervnto the said vmquhile noble Earle was constitute assignay be Dame Mary Lyoun, relict of vmquhile Sir Robert Scott of Cruikstoun, knicht, with advyce and consent of Robert Sempill of Beltries, now hir spous, for his enteres, adebtit and auchtand be John Scott, as sone and air to the said vmquhile Sir Robert Scott of Thirlestane, knicht, conditionat to be payit be the said vmquhile Sir Robert Scott of Cruikstoun, knicht, to the said Dame Marie Lyoune, his spous, as for ane yearlie annual rent of ane thowsand merkes, conditionat to be payit to hir yearlie the yeares of God j^{m} vj^{c} tuentie three, tuentie foure, tuentie fyve, tuentie sex, tuentie sevine, tuentie eight, tuentie nyne, threttie, threttie ane, and Witsonday and Mertimes termes payment therof, j^{m} vj^{c} threttie tuo yeares, conforme to ane decreit gevin against the said John befor the Lordes of Counsell and Sessioun, vpon the tuentie tuo day of Februar j^{m} vj^{c} threttie three yeares, the sowme of ten thowsand merkes: Item, be the tennentes of the defunctes landes and lordshipe of Liddisdaill, the cropt and year of God j^{m} vj^{c} threttie three yeares, the sowme of ellevine thowsand ane hundreth ellevine pundes xviij s. ix d.: Item, be the tennentes of the defunctes lands of Eskdaill Mure, the samyn cropt, sex thowsand ane hundreth ten punds vj d.: Item, be the tennentes of the defunctes landes callit the Debaitable Landes, the samyn cropt, sex thowsand eight hundreth fyftie three pundes ix s. ij d.: Item, be the defunctes tennentes and vtheres adebtit in payment of the defunctes rentes within the paroche of Hassendene, the cropt j^{m} vj^{c} threttie tuo yeares, fyve thowsand tuo hundreth three scoire eight pundes xvij s.: Item, be the tennentes of Lempitlaw and vtheris adebtit in payment to the defunct of the rentes therof, the cropt j^{m} vj^{c} threttie three yeares, ane thowsand three scoire eight pundes x s.: Item, be the tennentes of Branksholme of the rentes therof, the cropt j^{m} vj^{c} threttie

ane yeares, three thowsand fyve hundreth fyftie fyve pundes xviij s. vj d.: Item, be John Ritchiesone, maltman to my Lord Bukcleuche, conforme to his compt, tuo hundreth foure scoire nyne pundes vij s. vj d.: Item, be the tennentes and vtheres adebtit in payment to the defunct of the rentes of Teviotdaillheid, Eskdaill, and store rowmes therof restand the croptes j^{m} vj^{c} threttie ane and j^{m} vj^{c} threttie tuo yeares, threttie sex thowsand three hundreth fourtie ane pundes xj s.: Item, mair be them for the cropt j^{m} vj^{c} threttie three yeares, tuentie sex thowsand tuo hundreth tuentie nyne punds j s. vj d.: Item, be the tennentes and vtheres adebtit in payment to the defunct restand of the rentes of the landes of Ettrik Forrest, the cropt j^{m} vj^{c} threttie ane and j^{m} vj^{c} threttie tuo yeares, threttie tuo thowsand three scoire foure pundes x s. x d.: Item, mair to them, the cropt j^{m} vj^{c} threttie three yeares, tuentie sevine thowsand ane hundreth tuentie tuo pundes xvj s. viij d.: Item, be the tennentes and vtheres adebtit in payment of the rentes of the defunctes landes in East Lowthiane, viz., the landes of Morhame, Trapren, Over and Nether Hailles, Crichtoun, Turniedykes, and Castell Maynes, restand of certane croptes, and haill cropt j^{m} vj^{c} threttie three yeares, tuo thowsand ane hundreth tuentie sex pundes xix s. x d.: Item, be Sir John Scott of Newburgh, knicht, conforme to his obligatioun, three hundreth three scoire thretteine punds vj s. viij d.: Item, be James Geddes of Kirkurd, restand of his intromissioun with the defunctes rentes and teindes of the baronie of Kirkurd, the croptes and yeares of God 1625, 1626, 1627, and 1628 yeares, conforme to his compt subscrivit be him at Newwark the first day of November 1633 yeares, foure hundreth foure scoire eighteine pundes: Item, be William Earle of Mortoune, of bygane annualrentes of certane sowmes of money adebtit be him to the defunct, conforme to ane contract maid betuixt the defunct and him, and registratt in the Bookes of Counsell vpon the tuentie fourth day of November j^{m} vj^{c} threttie yeares, two thowsand pundes: Item, for penalties and failzeis of the payment of the annualrent therof tuo hundreth pundes money.

Summa of the debtes auchtand to the dead, j^{c} lxvij^{m} ix^{c} li. i s. ij d.
Summa of the inventar with the debtes, . j^{c} lxxxxvj^{m} li. j s. ij d.

Followes the debts auchtand be the dead.

Item, ther was auchtand be the said vmquhile noble Earle to Sir Richart Grahame, knicht, for the maill and duetye of the landes of Kershoipe, occupyit be the defunct and his servantes in his name, the cropt 1633 yeares, three hundreth pundes: Item, to the Earle of Northumberland for the maill and dewtie of the

lands of , the samyn yeare, ane hundreth tuo pundes: Item, to Mr. Walter Scott, minister at Cassiltoun, for serveing the cure at the kirk of Cassiltoun, the said cropt 1633, foure hundreth three scoire sex punds xiii s. iiij d.: Item, mair to him for furnishing the communione therat the said year, tuelve punds xij s.: Item, to John Scott in Castelhill, servant, for his fie the said year, fourtie punds: Item, mair to him of bounteith the said year, eight bolles oattes, pryce therof threttie sex pundes: Item, to Mr. John Douglas, minister at Cannabie, for his stipend and serveing the cure therat the said year, ane hundreth three scoire sex pundes xiij s. iiij d.: Item, mair to him for the elementes to the communione therat the said year, tuentie merkes: Item, to Mr. Robert Cuninghame, minister at Hawik, for his stipend and serveing the cure at the kirk of Hawik the said year, tuo hundreth three scoire sex pundes xiij s. iiij d.: Item, mair to him for the elementes to the communione therat the said year, fourteine punds viij s.: Item, to Mr. William Clerk, minister at Wiltoune, for his victuall stipend for serveing the cure at the said kirk of Wiltoun the said year, tuelve bolles victuall, half beir half heipit aitt meill, at ten punds x s. the boll ourheid, inde ane hundreth threttie sex pundes: Item, mair to him for furnishing of the elementes to the communione therat the samyn yeare, nyne pundes xij s.: Item, mair to him of silver duety and stipend for serveing the cure at the said kirk the samyn year, three hundreth threttie three pundes vj s. viij d.: Item, to Mr. Alexander Forrest, minister at Hassenden, for his stipend and serveing the cure at the said kirk the samyn year, three hundreth threttie three pundes vj s. viij d.: Item, mair to him for the elementes to the communione therat the said year, nyne pundes xij s.: Item, to James Scott, servant, for keiping of the teynd yaird of Hawik, bigging the dykes therof, and heiding the stakes of the samyn the said year, eighteine pundes: Item, to John Ritchisone, officiar and clerk in the defunctes baroune courtes, for his fie the said year, ane hundreth pundes: Item, to Robert Mean, maissone, for his fie and work wrocht be him at Brankholme the said year, foure scoire sevine punds iij s. iiij d.: Item, to Alexander Haldine, chalmerlane to the defunct of the landes of Lempitlaw, for his fie the said year, fyftie ane pundes: Item, to Mr. William Grahame, minister at the kirk of Ewes, for his stipend and serveing the cure at the kirk of Ewes the said year, ane hundreth three scoire sex pundes xiij s. iiij d.: Item, mair to him for the elementes to the communione therat the said year, ten merkes: Item, to William Strang, servant, for his fies fra Mertimes 1632 to Mertimes 1633, ane hundreth pundes: Item, to Robert Bigget, servant, for his fie the said space, tuentie punds: Item, to William Noble, servant, for his fie the said space,

tuentie pundes : Item, to Pundler for his fie and bounteith the said year, threttie foure punds ij s. iiij d. : Item, to the workmen and servantes of Branksholme the said year, three scoire tuo punds xvij s. : Item, to William Linkvpe, wricht and servant, for work wrocht be him at Branksholme and Hawik the samyn year, lxxxix li. xiij s. iiij d. : Item, to Edmound Scott, servand and officiar, for his fies the samyn year, three scoire fyfteine pundes : Item, to Andro Scott, chirurgiane, for his pensioun the said year, foure bolles heipit oatt meill, at ellevine punds the boll, inde fourtie foure pundes : Item, to Issobell Dischintoun, servant, for hir fies the said year, tuentie ane pundes xiij s. iiij d. : Item, to John Clepane, for half ane yeares pensioun the said year, j^c li. : Item, to Robert Crichtoun, shireff of Dumfreis, for the taxatioun of the defunctes landes within the sherefdome of Dumfreis, the terme of Mertimes 1633 yearis, three scoire fyfteine pundes : Item, to Robert Gray, servant and groome to the defunct at Holland, ane hundreth threttie three pundes vj s. viij d. : Item, to Marjorie Braidie, servant woman, for half ane yeares fie, tuentie fyve pundes : Item, to the ordinar maisseres befor the lordes for their fie and pensioun the said year, tuentie punds : Item, to the said Lawrence Scott of Harperige, advocat, for his pensioun the said year, foure hundreth punds : Item, to Sir Henrie Wartlaw, collector of his Majesties few mailles of Ettrik Forrest the said yeear, ane thowsand three scoire three pundes xij s. viij d. : Item, to Mr. James Cokburne, shereff deput of Haddintoun, for the taxatioun of the defunctes lands within the sherefdome therof, the terme of Mertimes 1633 yeares, ane hundreth threttie three punds vj s. viij d. : Item, to John Castellaw, chaiplane, for his yeares pensioun furth of St. Marie Kirk of the Lowes, ane hundreth merkes : Item, to Andro Sinclare for his yeares pensioun the samyn year, ane hundreth pundes : Item, to James , for his half yeares pensioun adebtit to him be the defunct, tuo hundreth pundes : Item, to John Clapen for his half yeares pensioun adebtit be the defunct to him, ane hundreth pundes : Item, to my Lord Earle of Hadingtoun for his releife of the taxatioun of the defunctes landes the terme of Mertimes 1633, ane hundreth threttie ane pundes iiij s. : Item, to Sir Thomas Hoipe, knicht, advocat to our soveraigne Lord, for ane yeares pensioun, adebtit be the defunct to him, fourtie pundes : Item, to
Scott of Satscheilles, half ane boll teynd meill for the landes of Dodheid, the cropt 1633, fyve pundis : Item, to my Lord Earle of Traquair of rentallit teynd oat meill for the lands of Fauldshope the samyn cropt, fyve bolles half ane boll meill, at ten punds the boll, inde lv li. : Item, to William Scott, chalmerlane of the Forrest, ten bolles rentallit teynd oatt meill of the lands of Tinneis the samyn cropt, pryce

forsaid ane hundreth punds: Item, to Robert Ogilvie, procuratour fischall of the commissariat of Pebles, of pensioun the said year, three bolles meill, pryce therof forsaid, inde xxx li.: Item, to John Dalgleis, servant and officiar of the forrest, ane boll meill, pryce therof ten pundes: Item, to Mr. James Scott, minister at Yaro kirk, for his stipend and serveing the cure therat the said yeare, foure hundreth pundes: Item, to William Wallace, shereff clerk of Selkirk, for the taxatioun of the lands of Craik, the term of Mertimes 1633 yeares, fourtie merkes: Item, to William Elliot, baillie of Selkirk, for the personage teynds of Newwark, the said cropt, sevine punds: Item, to the said William Scott, chalmerlane of the forrest, for his fie the said year, four hundreth fourtie pundes: Item, to Thomas Hunter, servand, for his fie the said year, ane hundreth fyftie eight pundes: Item, to John Robesone, cuik, for his fie dureing the said space, tuentie sex punds xvij s. iiij d.: Item, to Agnes Scott, servant, for hir fie dureing the said space, tuelve pundes: Item, to Thomas Makall, now servant, for his fie dureing the said space, fyftie fyve punds xvj s.: Item, to Edmound Scott, officiar in Tiviotdaill, three score three punds: Item, to James Adamsone, for ane yeares chalmermaill, fyftie pundes: Item, to Mistres Jeane Scott, sister to the defunct, for hir Mertimes termes pensioun 1633, ane hundreth three scoire sex punds xiij s. iiij d.: Item, to James Grahame, footman to the defunct, for his yeares fie, tuentie punds: Item, to Mr. Alexander Livingstoun, for the lords of sessioun their contributioun the said terme, sevinteine punds money.

Summa of the debtes auchtand be the dead, vij^{m} iij^{c} xxxix li. iij s. iiij d.
Restes of frie geir, the debtes deduceit, . j^{c} lxxxviij^{m} vj^{c} lx li. xviij s.
To be divydit in tuo pairtes, deades pairt is, lxxxxiiij^{m} iij^{c} xxx li. ix. s.
Wherof the quott is componit for.

Followes the deades Legacie and Latter Will.

Be it knawin to all men be thir present lettres, me, Walter earle of Bukcleuche, Lord Scott of Whitchester and Eskdaill, that forsomeikle as I am of purpose and intentioun (God willing) schortlie to pas furth of this realme of Scotland to the pairtes of Ingland, Holland, and vtheres forraigne pairtes and countries, as my effaires shall requyre, and considering and calling to mynd ther is nothing more certane to all men nor death, and nothing more vncertane nor the tyme therof, therfore I have maide, and be thir presentes makes my latter will and testament as followes:—To wit, first, I recommend my saull to God, maker and creator therof, and beleive to be saved throw the merittes of Jesus Christ, my Redeemer:

Item, I make and constitute Frances Lord Scott, my eldest laufull sone, he being on lyfe, and (failzeaing of him be deceis) my appeirand maill appeirand to succeid to me in my landes and leiving, my onlie executor and vniversall intromettour with my haill goodes, geir, and debtes, with power to him to give vp the inventar therof for confirmatioun of the samyn as vse is: Item, I nominat Sir John Scott of Scottistarvat, knicht; Sir William Scott of Harden, knicht; Hew Scott of Dewchar; Frances Scott of Sintoun, brother to the said Sir William Scott; Lawrence Scott of Harperig, advocat; Mr. William Scott, his sone; Robert Scott of Hartwoodmyres; and William Scott, my sone naturall, or any foure of them acceptand the said office; the saids Sir John Scott, Sir William Scott, Laurence Scott, Mr. William Scott, and the said William Scott, my sone naturall, or any ane of them, being ane of the foure tutores testamentares to my haill bairnes, or so many of them as bees within the yeares of tutorie after my deceis: Item, I requeist and intreate the richt honorabill my verie good lordes and freindes aftermentionat, viz., James marques of Hamiltoun, etc.; William earle Arroll, etc.; George earle of Wintoun, etc.; Robert earle of Roxburghe, etc.; John lord Erskine, etc.; James lord Ros, etc.; and Sir John Murray of Ravelrige, knicht, or their aires maill, past their aige of tuentie ane yeares compleit, or any three of them, to be overseeres to the saids tutores of my forsaides bairnes, and to have ane speciall care that my bairnes be weill and honorablie vseit, and that my liveing be not exhaustit with the burden taken be me thervpon, and that the readiest of my goodes, geir, and rentes be waireit and bestowit for releiveing of the saids burdenes; and ordeanes the forsaides tutores of my saides bairnes and all vtheres tutores to be nominat be them in the caisses after specifeit, or ather of them, to make yearlie compt of their intromissioun, charge and discharge, in exerceing the said office to my vtheres foirnameit freindes and overseeres, or to any three of them, and that yearlie at the farthest, within the space of ane year and ane half, dureing the haill tyme of their said office of tutorie to my saides bairnes, or any of them, and gif it shall happin the saides tutores to failzea in makeing compt of their intromissioun, charge and discharge of executeing their said office yearlie, or at the farthest within the space of ane year and ane half, the saids tutores being allwayes requyreit to make their saids compts be any three of the foirsaids overseeres, and appoynting the place for makeing the saids tutour comptes to be ather in Bramksholme or Newwark, vpon the premonitioun of fyfteine dayes of befor, in presence of ane notar and witness, as effeires, then and in that caice it shalbe lisume to my vtheres freindes and overseeres abovespecifeit, or any three of them, to displace

the saides tutores, and to nominat, constitute, and place vtheres in their said office of tutorie, and that once or ofter, as the saids tutores, nominat or to be nominat, to my saids bairnes shall committ the said failzea: And lykewayes I will and declaire that it shall not be lisume to the foirnameit tutores testamentares, nominat or to be nominat, to my saids bairnes, in the caisses afterspecifeit, or ather of them, to sett any takes or rentalles, long or schort, of my saids lands, rentes, or living, or any pairt therof, without the speciall advyce and consent of my foirnameit vtheres freindes and overseeres, or any three of them, first had and obteanit therto in writt: And if they doe in the contrair, in that caice the foirsaides takes and rentalles shalbe null: And in the samyn caice it shalbe lisume to the forsaids overseeres, or any three of them, to displace the saidis tutores, and to nominat and place vtheres in their said office of tutorie, and that once or ofter, as the saids tutores, nominat or to be nominat, to my saids bairnes shall happin to contraveine the provisioun above writtin, to the nominatioun of the whilkes vtheres tutores to be nominat to my saids bairnes be my freindes and overseeres above specifeit, once or ofter in the caisses above mentionat, or ather of them, I (now as then and then as now) interpone my privilege, prerogative, and auctoritie, and (now as then and then as now) be thir presentes, nominat whatsumevir persones to be nominat to the said office of tutorie to my saides bairnes be my saids freindes and overseeres, or any three of them, in the caisses above specifeit, or ather of them, once or ofter as said is, in tutores testamentares to my saids bairnes, or so many of them as bees within the yeares of tutorie for the tyme, and will grant and declaire their nominatioun and constitutioun in and to the said office be my saids freindes and overseeres above specifeit, or any three of them, to be als sufficient in all respectes as gif they wer nominat in the said office in the caisses forisaides, or ather of them, be me be this my latter will. In witnes of the whilk thing I have subscrivit thir presentes with my hand (writtin be Andro Wentoun, servitour to Mr. Frances Hay, wryter to His Majesties Signet), at Morpeth, the tuelve day of Januar, the year of God j^{m} vj^{c} threttie three yeares, befor thes witnesses, John Pringill of Stichell and Patrik Scott, Walter Scott, William Tunno, our servitores: Sic subscribitur, Buccleuche, John Pringill, witnes; Patrik Scott, witnes; Walter Scott, witnes, William Tunno, witnes.[1]

[1] This will was executed in duplicate. One of the original duplicates is in the Buccleuch charter-chest. It bears to have been written by Mr. Alexander Lindsay, servitor to Mr. Francis Hay, W.S. The duplicate confirmed, and the confirmed extract of which is printed above, bears to have been written by Andrew Wintoun, servitour to Mr. Hay.

I John Peter, wryter to his Maiestie's Signet, commissar of Pebles, speciallie constitute for confirmatioun of testamentes within the boundes of the scherefdomes of Pebles, Roxburgh, and Selkirk, and David Peter, my brother, my deput of the samyn; be the tenour hereof, ratifies, approves, and confirmes this present testament or inventar, in so far as the samyn is duelie and laufullie maid and gevine vp of the goodes and geir above specifeit alanerlie; and gives and committes the intromissioun with the samyn to the said noble Earle Frances, now Earle of Bukcleuche, Lord Scott of Whitchester and Eskdaill, etc., onlie executor nominat be the said vmquhile Walter Earle of Bukcleuche, etc., his father, etc.: Reservand compt to be maid be him therof, as accordes of the law; and the said Michaell Scott, in respect of the said noble Earle his minoritie, and be directioun and at command of the tutores testamentares above nameit, maid faith that the said executor should leillilie and trewlie exerce and vse the said office, and is become cawtioun that the saides goodes shalbe furthcumeand to all pairties haveand enteres as law will, as ane act maid thervpon beires: This testament confirmit vpon the nynth day of Junii j^{m} vj^{c} threttie fyve yeares, is extract furth of the Register of Testamentes of the said Commissariat be me, Patrik Vaitche, clerk therof, witnessing herevnto my signe and subscriptioun manuall.

PA. VAITCHE.

I, John Peter of Whitslaid, advocat commissar of Pebles, speciallie constitute for confirmatioun of testamentes within the boundes of the scherefdomes of Pebles, Roxburgh, and Selkirk, and David Plenderlaith, ane of the baillies of Pebles, my deput, be the tenour hereof, ratifies, approves, and confirmes the said Frances, now Earle of Bukcleuche, Lord Scott of Whitchester and Eskdaill, etc., executor testamentar to the said vmquhile Walter Earle of Bukcleuche, etc., his father, in and to the bolles, victuall, pryces therof, sowmes of money, and debtes vnderwrittin, adebit, and auchtand to the said vmquhile noble Earle be the persones respectiue aftermentionat, omittit and left furth of the principall confirmit testament abovewrittin, and now laitelie, since the confirmatioun therof, come to the said executor testamentar his knowledge, viz., In and to the sowme of fyve hundreth merkes Scottes money for the Witsondayes termes duetie j^{m} vi^{c} threttie three yeares, adebtit and auchtand to the said vmquhile noble Earle, as assignay constitute be Dame Margaret Lyon and Robert Semple of Beltries, her spous, for his enteres be John Scott, sone and air to vmquhile Sir Robert Scott of Thirlestane, knicht, conforme to ane decreit of suspensioun gevin befor the Lordes of Counsell and

Sessioun, vpon the tuentie tuo day of Februar j^{m} vj^{c} threttie three yeares, in favores of the said vmquhile Walter Earle of Bukcleuche, against the said John Scott, in and to the sowme of tuelve pundes money, for the pryce of ilk boll of sex scoire tuelve bolls oat meill, adebit and auchtand be James Geddes of Rauchane, at leist in the handes of the tennentes of the paroche and baronie of Kirkurd, be his neglect for the teynd duetie of the said paroche and baronie of Kirkurd, and that yearlie, the croptes and yeares of God j^{m} vj^{c} tuentie nyne, j^{m} vj^{c} threttie, j^{m} vj^{c} threttie ane, j^{m} vj^{c} threttie tuo, j^{m} vj^{c} threttie three, and j^{m} vj^{c} threttie foure yeares, be the space of sex yeares, extending to the sowme of nyne thousand fyve hundreth and foure pundes, in and to the sowme of threttie foure pundes adebit and auchtand be William Elliot in Midlesteid, executor, at the leist vniversall intromettour with the goodes and geir of vmquhile David Elliot, there, in and to the sowme of ane thowsand three hundreth foure scoire merkes of principall, tuo hundreth sevine merkes for three termes annual rent therof, and ane hundreth merkes of penaltie adebit and auchtand be Adam and John Nicolsones in Netherhalles, conjunctlie and severallie, conforme to their obligatioun; in and to the sowme of fyftie merkes money of principall, fyfteine pundes for foure yeares and ane half year annual rent therof, and ten pundes of penaltie adebit and auchtand be John Mitchelsone in Nether Lugtoune, conforme to his obligatioun; in and to the sowme of ane hundreth merkes of principall, fyftie merkes for fyve yeares annual rent therof, and tuentie punds of penaltie adebit, and auchtand be the said John Mitchelsone, conforme to his vther obligatioun; in and to the sowme of sex scoire fourteine pundes of principall, and tuentie pundes of penaltie, adebit and auchtand be Hector Cranstoun, in Langholme, conforme to his obligatoun; in and to the sowme of ane thowsand eight hundreth fyftie eight pundes xviij s. iiij d. of principall, ane hundreth foure scoire fyve pundes xviij s. for ane yeares annual rent therof, and tuo hundreth pundes of penaltie, adebit and auchtand be the said Hector Cranstoun conforme to his vther obligatioun; in and to the sowme of tuo hundreth foure scoire sevine pundes of principall, and threttie pundes of penaltie, adebit and auchtand be Walter Chisholme of Parkhill, and James Chisholme, his eldest laufull sone, conjunctlie and severallie, conforme to their obligatioun; and in and to the sowme of ane hundreth merkes of principall, foure scoire fyve merkes for eight yeares and ane half year annual rent therof, and ten pundes of penaltie, adebit and auchtand be James Scott, sone to vmquhile John Scott of Newwark, conforme to his obligatioun, extending, the forsaides whole sowme omittit, as said is, to the sowme of fourteine thowsand tuentie three pundes nyne

schillinges viij d. money, whilk being divydit in tuo pairtes (conforme to the divisioun of the principall confirmit testament), deades pairt, is sevine thowsand ellevine pundes xiiij s. x d. money, and gives and committes the intromissioun with the samyn to the said Frances, now Earle of Bukcleuche, executor forsaid; Reserveand compt to be maid be his Lordship therof, as accordes of the law, and that the saides goodes shalbe furthcomeand to all pairties haveand enteres as law will; this eik confirmit vpon the second day of Junii j^m vj^c fourtie nyne yeares, is extract furth of the Register of Testamentes of the said commissariat, be me, Patrik Vaitche, clerk therof, witnessing hervnto my signe and subscriptioune manuall.

PA. VAITCHE.

226. INVENTORY. [*Circa* 1633.]

Ane Inventour of the Earle of Buccleuchis Tronkis quhich gois to Holland.

IN the first, in ane great tronk, barred with oak, ane suit of scarlat clothis, with ane cassack laid over with ane silver and gold broad laice in all pairtis.

Item, ane pair of black velvot breikis, with ane clok lyned with schag all schamarred our with black silk lace, with ane doublat of satin thairto cutt in band.

Item, ane black figured satin clock, lyned with pan, with ane pair of breikis thairto, with ane doublat of floured taffatie.

Item, ane clock of black figured velvot, with ane doublet and breikis thairto, the clock lyned with pan.

In ane plain tronk.

Item, ane suit of gray colloured clothis, with ane clok lyned with pan.

Item, ane suit of tannj colloured clothis, with ane cassack lyned with watered taffatj, with gold and silver buttounis on both the suittis.

Item, ane box with ane pair of reid garteris and rosis with silver and gold laice.

Item, ane pair of black garteris and rossis with gold and silver laice.

Item, ane pair of black garteris and rossis with silk laice, with ane pair of black garteris and rosis plain.

Item, ane pair of black silk stockinis, with ane pair of grein, with ane pair incarnat, with ane pair tannj collored, all silk stockinis.

Item, ane cabinet with writtis.

Item, ane quhyt nicht wastcot, with ane old satin day wastcot.

Item, ane nicht goun of floured velvot lyned with schag.
Item, ane great furred goun with hood and mittounis thairto.
Item, ane pair of gray milned stockinis.

Off Boottis and Schowis.

Item, thrie pair of gray walking bootis, quhairof one pair ar new.
Item, ane pair of new gray waxed bootis.
Item, sax pair of schewis new and old.

Off Linningis in ane littill Tronk.

Item, sax old schirtis for the day.
Item, thrie new nycht schirtis.
Item, four half schirtis.
Item, sax new Holland bandis, with cuffis.
Item, thrie cutwark bandis.
Item, four ruffis, and four pair ruff cuffis.
Item, thrie pair of laiced boothose, with tuo pair with topis.
Item, sax plain hand cursches.
Item, sax nycht capis.
Item, ane sueit bag, with ane pair sueit glovis.
Item, ane nycht cap with silver laice.

227. ORDER by the EARL OF BUCCLEUCH to PATRICK SCOTT, writer, to advance 9000 merks for the public use. 31st August 1643.

PATRIK SCOTT, wryter in Edenburgh, faile not, after the sight heereof, to lend to the publict, in my name, nyne thowsand merkis money out of the first and reddiest of your intromissiones with my rents, and delyuer the same to Sir Adam Hepburne of Humbie, knight, their collector generall, ressaving from him the securitie appoynted by the Committee of Estates to be gevin for sowmes of money borrowed for the publict employments of this kingdome, whereanent these presentis, with his receipt and securitie forsaid, sall be to yow ane sufficient warrand, and allowed in your accompts. Dated att Edenburgh, the last day of August j^{m} vj fourtie three yeeres.

BUCCLEUCHE.
ARGYLL consents.

228. OBLIGATION by the COMMITTEE OF ESTATES to repay the EARL OF BUCCLEUCH 9000 merks lent them for public purposes. 31st August 1643.

EDINBURGH, 31 Augusti, anno 1643: Forsameikle as the right honorabill the Erle of Buccleuch hes presentlie payed and delivered to Sir Adam Hepburne of Humbie, in name of the publik, and for the present necessar effaires and expedition therof, the soume of nyne thowsand merks Scottish money, as by his ticket of resset of the date of thir presents shawne to the Committie of Estates beares, and quhilk soume is lent by him at the desire of the said Committee, therfor the said Committie of Estats declares that this soume shall remaine as a publik debt vpon the countrey, and binds and obleisses thame, in name of the Estats and haill body of this kingdome, to cause repay and deliver back againe the said soume, with ane quarters annuelrent, betwixt and the first day of December nixt to come, to the said Erle of Buccleuch, his aires, executours, and assignes, togither with the annualrent therafter during the not payment of the soume, and for thar further securitie declars that this payment shall be out of the first and readiest of the soumes of money quhilk shall be collected and received by the Collector Generall of the taxation latlie granted for payment of the foote companyes and horse troupes, or out of the remainder of the loane money over and above what is alreadie disposed vpon, or out of any other money quhilk shall come from England for the vse of the publike.

ARCH. PRIMEROSE, Cles. Com.

229. COMPLAINT by FRANCIS EARL OF BUCCLEUCH to the ESTATES OF PARLIAMENT as to the command of his contingent. 29th June 1644.

MY Lordis, and vtheris of the Estates of Parliament, vnto your Lordships humblie meanes and shewes, I, your seruitour, Francis Earle of Buccleuch, etc., and my curatores for their entress, that quhair, by orders come from the Lieutenant-Generall, our men of our landis lyand within the scherefdome of Drumfreis, to the number of one hundreth and ten of them, are appoynted to be carried to the Governor of the towne of Drumfreis, to serve on foote vnder him, being well furnished in armes, and for euery ten footemen a trouper, well furnished, and a baggage horse, and that notwithstanding that the men appoynted to be levied within oure saidis boundis are appoynted by a committee of your Lordships' number to goe vnder the command of the Master of Cranstoun, as the former levy

was vnder our owne command, and swa thereby separat for these expeditiones fra that scherefdome of Drumfreis, whairby we are doubly troubled, both be the said Master of Cranstoun and Governor of Drumfreise, who stand in competition with ws, threatening if we ansuer not their demands, that our landis shall be plundered, and troupes of horsemen putt vpoun ws to enforce ws thairto maist wrangouslie, considdering it is of veritie that we haue hitherto bene euermore most willing and ready to advance and prosequute the good cause in hand with the hazard of our liues and estates, and for that effect in tymes bygane haue adventured our selues, and done euery thing incumbent to ws; and it is not vnknowne to your Lordships what danger our boundis hes bene in, and how ready our haill freinds, vassalls, and tennentis have bene to reencounter the invasiones made vpoun the Borders by the English and our disaffected countreymen, lykeas the charge putt vpoun ws is farre disproportionable to the number of our men, extent of our rent in these boundis, and your Lordships' orders, because the number we aught to putt outt of the forsaid boundis aucht to ansuer the proportion of the men within the seuerall paroches, conforme to the generall order sett downe; and this will appeare to make onely at the maist threescoir men, or thairby, as be the seuerall rollis of the haill numbers of men within the saidis paroches, subscriuit be the seuerall ministers thairof, it sall be instructed: Lykeas, as is wrangously craved be the said Governour, we aught not to advance a trouper and a baggage horse for euery ten footemen, because the burdene of troupers and baggage horses aucht to ansuer the proportion of the true valued rent of the places furth whereof they are appoynted to be levied, and not the number of men, and in this we shall make it appeare that they are verie exorbitant, and the number craved to be exacted is farre different to the proportion of our rent in these places, and the orders sett downe, and thairfoir baith the saidis parties aught to be discharged fra all further troubling ws, our freindis, vassalls, and tennentis with such exorbitant demands, and the ane of them commanded to accept from ws the number of men, troupers, and baggage horses, corresponding to the number of men within the forsaids boundis, and the extent of our true valued rent, according to the orders sett downe be your Lordships or the committees of your number allanerlie, and na farther. Heirfoir wee beseeke your Lordships by these presentis to discharge baith the said Master of Cranstoun and Governor of Drumfreis, or either of them, to trouble ws, our freinds, vassalls, and tennentis any more with their exorbitant demands, and to command ane of them to accept from ws, as your Lordships sall appoynt, the forsaid number of threescoir men, efter tryall and production of the forsaid subscryved rollis,

with the troupers and baggage horses efferrand to the true valued rent of the boundis, according to the publict orders sett downe and obserued through the haill kingdome and your Lordships' ansuer.

29 Junii 1644.

The Committie appoyntit for the leveis findis that the foot and hors within writtin aught to go alongst with thes otheris of the schyre, and that sua the samen will pertein to the Maister of Cranstoune, and nae wayis to the Governour of Dumfreis; and als findis that the supplicant sould putt furthe onlie the halff of the men and hors quhilkis sould haue bein putt out in the first expeditioune; and that the troup horss sould be put out according to the rentis and proportioune of the samen within the scherefdome allannerlie, and discharges all commanderis and officeris of exacting anie farder.

I.P.D. Parl.

230. ORDER by the COMMITTEE OF WAR for Roxburghshire to the BAILIE of the EARL OF BUCCLEUCH to bring soldiers to the Master of Cranstoune, their Colonel. 5th July 1644. (Copy.)

AT Jedburgh, the fyift day of Julij 1644, the quhilk day the comittie of warr within the Schrefdome of Roxburghe ordenis Walter Scott of Braidhauch, baillie to the Earle of Buccleuche, of thes four kirkis of Eskdaill, Ewisdaill, and the debaittable land, belanging to the said Earle of Buccleuche, betuixt and Freday nixt the twelff of this instant, to bring thes sojouris to be broucht out of thes parochenis allongis to Crailling to the Maister of Cranstone, thair appointit Collonell, or some wtheris in his name appointit be him to resseave thame; bringand allongis with them thair twentie dayis provisioune according to the orderis.

A. CROMBIE, Cls.

231. COMMISSION by KING CHARLES THE FIRST to FRANCIS EARL OF BUCCLEUCH, &c., to apprehend Mosstroopers. 2d December 1648.

CHARLES R.

CHARLES, be the grace of God King of Great Britane, France, and Ireland, Defender of the Faith, to all and sundrie our leiges and subjects whom it effeires;

forsameikill as wee takeing into consideration the manie remonstrances and supplicationes given in to the Lordes of our Privie Counsell, and to the Committee of our Estates of Parliament of this our kingdome of Scotland, be the heretors and inhabitants of our Southerne Shyres thairof, touching the insolencies, murthers, slaughters, robberies, depredationes, thiftes, and other nefarious crymes committed by day and night vpon them by the mosse troupers, theifes, robbers, and vtheris wicked and lawlesse men, who convocat themselffes together, armed with hostile furniture, for the better inabling them to committ these villanies and disturbe the peace of these boundes; and wee beeing most willing that all laufull meanes bee vsed for suppressing these insolencies, punishing the offenders, and securing the quyet of this our kingdome, and haveing good experience of the affection and abilities of our right trustie cousens and counsellers, Francis Earle of Bacleuch, Lord Scott of Whitchester, etc., William Earle of Lothian, etc., Archibald Lord Angus, and our right traist cousigne John Lord Kircudbright, and of our lovittis Sir William Douglas of Cavers, Archibald Douglas, his eldest sonne, Sir William Scott of Harden, elder, Sir William Scott, fiar thairof, Sir Andrew Ker of Greenheid, Sir Walter Riddell of that Ilk, Sir Thomas Ker of Cavers, Andrew Ker, fiar thairof, Andrew Rutherfoord, fiar of Hunthill, John Rutherfoord of Edgertoun, William Scot of Syntoun, Walter Scot of Goldielandis, William Ker of Newtoun, William Ellot of Stobbes, Gilbert Ellot, fiar thairof, Walter Scot of Whytesled, Colonell Walter Scot of Hartwoodburne, Patrik Scot of Thirlestane, William Scott of Mangertoun, John Scott of Gorimberrie, Sir John Murray of Philiphauch, Gideon Scott of Heychester, Hendrie Cranstoun, vncle to the Lord Cranstoun, Andrew Ker of Lyntoun, John Ker of Lochtour, William Greirsone of Bargattan, Robert Fergusone of Craigdarroch, Archibald Douglas of Dornock, James Douglas of Monsall, Mr. George Douglas of Penzierie, Robert Kirkpatrik of Closburne, Thomas Fergusone of Catloch, John Crichtoun of Crafordtoun, Thomas M'Birnie, provest of Dumfreis, John Rutherfoord, provest of our burgh of Jedburgh, and Thomas Scott, baillie of our burgh of Selkirk: Thairfoir wee, with advyse of the Lordes of our Privie Counsell and Committee of our Estates of Parliament of this our kingdome, do heirby make and constitute the foirnamed persones our Commissioners to the effect vnderwritten, within the boundes of our sherreffdomes of Roxburgh, Selkirk, Dumfreis, and stewartrie of Annandaill, with power to anie one of our said Commissioners, or anie having warrand from them, conjunctlie and severallie, to passe, follow, persew, take, and apprehend the said mossetroupers, theifes, robbers, thair associates and followers, or anie others committers, or who are

saspect to bee Committers of the crymes abonewritten, quhairever they may bee apprehended within the boundes forsaid, and to committ them to anie jayles, maid or to bee maid, within the said boundes, or anie vther jayle thairabout, as they shall find expedient, till they bee brought to thair tryall, from which place anie one of our said Commissioners, or anie having power from them as said is, are authorized to cause bring the said persones so warded to the place of the Courtes to bee halden bee our forsaid Commissioners, or anie fyve of them, anie of the forsaid noblemen beeing one, for thair tryall and punishment, within the boundes forsaid; and if it shall happen anie of them for eschewing apprehension to flee to strengthes and houses, or elsewhere, within this our realme, with power to anie one of our said Commissioners, and those that shall have warrand from them, conjunctlie and severallie, to passe, follow, and persew them quhairever they shall flee within this our kingdome, asseige the said strengthes and houses, and vse all kyndes of forces and warlike ingynes that can bee haid for takeing the said houses and apprehending the persones thairin, and in caice it shall happen them or anie beeing in the said houses and assisting them, to bee hurt, woundit, mutilat, and slaine, wee, with advyse of our said Privie Counsell and Committee of our Estates, do heirby declare the same shall not bee impute to our said Commissioners, or anie haveing warrand from them, nor to the persones assisting them in execution heirof as cryme nor offence, and that they shall never bee persewed, criminallie nor civillie, bee anie manner of way thairfoir in tyme comeing, exeeming them heirof be thir presents; Lykeas wee, with advyse of our said Privie Counsell and Committee of our Estates, do heirby give power to them, for the better execution heirof, to carrie hagbuttis and pistolls, and other warlike furniture, in discharge of this Commission, notwithstanding quhatsumewer lawes maid in the contrair, quhairanent and all paines conteined thairin wee, with advyse and consent forsaid, dispense be thir presentis; and with power to our said Commissioners, or anie fyve of them, anie of the forsaid noblemen beeing one, to keepe correspondence with these who are or shall bee intrusted from our Parliament of England for suppressing of the like insolencies in the boundes of that our kingdome, and to concurr with them anent the apprehending of the forsaid Mosse troupers, theives, robbers, and vtheris forsaid, and speedie bringing of them to justice, and to do everie vther thing thairanent according to the former practise and vsage which hath been observed betuix these our kingdomes vpon the like occasiones, and according to such commissions and powers as shall bee granted and agreed vpon by the Parliament of this our kingdome or thair Committee, or such as shall bee intrusted by them and such as

shall bee authorized from the Parliament of our said kingdome of England thairanent; and, if anie of the forsaid persones shall bee apprehended, with power to our said Commissioners or anie fyve of them, anie of the forsaid noblemen beeing alwayes one, to fense and hold courtes at such tymes and places as they shall thinke expedient within the boundes forsaid, sutes to call, absents to amerciat, and in the said courtes the said Mossetroupers, theives, robbers, and thair associates, and all others committers of the crymes abonewritten or fugitives for the same, or suspect guiltie thairof to call bee dittay, to accuse, and to putt them to the knowledge of ane assyse, and as they shall bee fund guiltie or innocent to cause justice bee administrat vpon them, conforme to the lawes of this our realme, assyses neidfull for this effect, ilk persone vnder the paine of fourtie pundis, to summond, warne, receive, and cause bee sworne, clerkes, seriands, dempsters, and vther members of court neidfull to mak, creat, substitute, and ordaine, for whom our said Commissioners shall bee holden to answere, the escheates, vnlawes, and forfeytes of the sayd Courtes to thair owne behove for thair paines in this service to apply; and als with power to our said Commissioners, conjunctlie and severallie, to direct thair owne precepts and conveine befoir them all Mosstroupers, theifes, robbers, and others forsaid, to compeir befoir them to underly the law for the crymes abonewrittin, or anie of them, vpon ane single charge of four dayes, vnder the paine of horneing, and in caice of thair not compeirance, to declare them fugitives, and ordaine them to bee denunced our Rebells, and it is heirby declared that the denunciation of such persones shall bee at the market croces of our heid burrowes, within the boundes forsaid, or anie of them, within the quhilk the persones declared fugitives dwelles or hath dwelled; and als with power to our said Commissioners, or anie fyve of them, anie of the forsaid noblemen beeing one, to conveen befoir them the resetters of the said Mossetroupers, theives, robbers, or anie vtheris committers of the crymes aforsaid, who are or shall bee declared and judged fugitives, and others who shall furnish to them meate, drinke, house, harborie, or anie vther thing comfortable and necessar against the tenor of our Acts of Parliament maid thairanent; and to punish them conforme to the said Actes, or by fyning, imprisoning, or anie vther punishment shall bee fund most advantagious to the service, and generallie to do all and everie thing requisite for execution heirof quhilk may bee done in a justice court befoir our Justice-Generall, commanding heirby all our leiges and subjects within the forsaid boundes to reverence, acknowledge, obey, ryse, and concurr with our forsaid Commissioners in thair best furniture for pursute and apprehension of the forsaid persones, quhenever they shall bee

requyred bee word, writt, or message, vnder the paines conteined in our Acts of Parliament, as also commanding the Magistrates of our forsaid burghes to make patent thair tolbuithes for receiving and bringing the delinquents to thair judgment in the boundes forsaid, as they will be answerable, this commission to endure for the space of two yeires or longer, ay and while the samen bee discharged, and our said Commissioners shall bee alwayes holden to give frequent advertisements to our said Counsell or Committee of our Estates of thair proceedingis, for which they are to be comptable. Given vnder our Signet att Edinburgh, the second day of December j^{m} vj^{c} fourtie eight yeires, and of our reigne the twentie fourth yeir.

LOUDOUN, Cancellarius.	BURGHLY.	SIR J. CESNOK.
A. M. ARGYLL.	ARTHUR ERSKEN.	W. SANDELANDIS.
EGLINTOUN.	W. CUNYNGHAMHEID.	DUNDAS off thatt Ilk.
CASSILLIS.	A. JOHNSTON.	J. CAMPBELL.
ELCHO.	Sr J. STEWART.	G. PORTERFEILD.
BALMERINO.	A. BELSCHES.	

232. LIST OF MOSSTROOPERS. [*Circa* 1648.]

The names of the Mostruperis.

James Armstrang, called of Kenimont.
Thomas Lamme.
Jhone Turner.
Robert Dungelsone.
Jhone Lamme.
Weilliam and Eduard Armstrangis, soones to Tom of Scheilis.
Francis Armstrang, called Gavingis Francie.
Jhone Leiddall.
Scymone Wilsone.
Jhone Armstrang of Blooch.
Francis Foster.
Gorge Armstrang.
Jhone Lyttille.
Heawe Armstrang, called of Barrescroftis.
James Grahame.
Arther Grahame.
Fergus Grahame.

Robert Armstrang, called Syd.
Jhone Armstrang, called Kapelgill.
James Armstrang of Kapelgill.
Jhone Carritheris.
Alexander Carritheris.
Gorge Foster of Keingfeild.
Alexander Armstrang of Keirtilheid.
James Armstrang of Wenitropheid.
Cristopher Armstrang of Sourbie.
Thomas Foster of Reburne.
Weilliam Foster, called Rossis Will.
Jhone Grahame in Ker.
Jhone and Alexander Armstrangis, called of Catgille.
Weilliam Armstrang, sone to William of Sark.
Robert Grahame, sone to Gorge Grame.
Perssie Holme.
Thomas Sonsse.
James Elliott.
Robert Elliott.
Robert Elliott of Thorlishoppe.
Weilliam Jhonstone of Westerhawe.
Gorge Grahame of Breakenhill.

Dorso—Nams of theus in the Debetable Land.

233. The NAMES, AGES, and PLACES OF BIRTH of the CHILDREN of FRANCIS EARL OF BUCCLEUCH by LADY MARGARET LESLY, 1647-1651.

The age and names off my Children betwixt me and my wyffe, Lady Margarett Lesly, daughter to the Earle of Rothes.

Marie Scott, eldest daughter to me Francis, Earle off Buccleuche, was borne att Dalkeith, the last of August, being Twesday, the year of God 1647.

BUCCLEUCHE.

Walter Scott, eldest sonne to me Francis, Earle of Buccleuche, was borne att Dalkeith, the fyft day off Nouember, being Sunday, the year off God 1648.

BUCCLEUCHE.

Margarett Scott, our second daughter, was borne att Dalkeith, the fyft day off March, being Twesday, the year off God 1650.

Anna Scott, our thrid daughter, wes borne att Dundee, the eleuent day off February, being Twesday, the year off God ane thousand six hundreth fyfty ane, 1651.

BUCCLEUCHE.[1]

234. INVENTORY of the Household Plenishing of FRANCIS EARL OF BUCCLEUCH at the time of his death. November 1651.

Inventar of the Silver Work, Insicht and Houshold Plenishing quhilk belonged to and was in the possessione of Francis Earle of Buccleuch the tyme of his deceis, quha deceist in the moneth of November 1651, and is now in the possessione of Lady Margaret Leslie, countes dowager of Buccleuch, his relict, quhilk hir ladyship is to mak furthcumand to Lady Marie Scott, countes of Buccleuch, hir dochter, and hir tutoris, quhairof the particularis followes :—

Followes the Silver Work :

Imprimis, four dussone and sex silver pleatts.
Item, four dussone and aucht silver truncheouris.
Item, fourtene silver candlestickis.
Item, twa dussone and thrie silver spuines.
Item, four silver stowpis. Item, twa silver tankeris. Item, twa silver baissins.
Item, twa silver laweres, thrie meikle and foure litle silver saltfootts.
Item, thrie silver sasceris. Item, ane silver choffer.
Item, ane silver boll. Item, ane silver legar boll.
Item, twa silver disches. Item, four silver cupes.
Item, ane sugar silver box. Item, ane silver vinager lawer.

Followes the Linnings and Insicht Plenishing :

Item, sex long tables cloathes. Item, four schort table cloathes.

[1] From the original holograph of Francis Earl of Buccleuch, on a folio page at the beginning of a Family Bible, printed at Amsterdam in the year 1640, reprinted from Hart's Edinburgh edition in the year 1610 (at Dalkeith House).

Item, sex dussone of dornik servetts.
Item, sex tollis.
Item, auchtene pair of small and round linning scheitts.
Item, tuelff pair of tueild and hardin scheitts for foott boyis.
Item, twa dussone of codwairis.
Item, thrie doun feather bedis.
Item, threttie feather bedis, better and wors.
Item, twa doun bolsteris.
Item, threttie ane feather bolsteris.
Item, auchtene feather codis.
Item, fyftene coverings.
Item, fyftene cottin blanketts.
Item, sex pair of blew marld blankitts.
Item, threttene peices of arres hinghings, big and litle.
Item, ane sutt of strip hinghings.
Item, ane sutt of werdair hinghings.
Item, ane blew dames bed.
Item, ane grene dames bed, with silver fringes.
Item, ane rid cloath bed, with grene lace.
Item, twa red serige bedis, ane with buttones, and ane wther with lace.
Item, ane grene serge bed lynned with taffitie.
Item, ane halff cannabie embrodered.
Item, thrie old cannabeis.
Item, ane pair of and yrones brokin.
Item, tuo great looking glasses.
Item, thrie litle looking glasses.
Item, nyntene old leathren cheares.
Item, aucht carped cussings and schewit ones.
Item, aucht old schewit stoollis and cheares.
Item, foure dussone and twa large and litle pleatts.
Item, fywe dussone and sex tin truncheouris.
Item, tuelff tin letter meat truncheouris.
Item, twa tin bassins.
Item, ane tin saltfoott.
Item, nyne tin candlestickis.
Item, thrie quart stowpes.

Item, ane pynt stowpe.
Item, sex watter pottis.
Item, thrie brassin candlestickis.
Item, thrie chamber boxes.
Item, in the kitchin, twa dressin boordis, and in the backhous wther twa dressin boordis.
Item, thrie great pleattis.
Item, tuentie sewin lesser pleattis.
Item, four long pleatts.
Item, sex pottis.
Item, sex pans.
Item, ane scummer.
Item, ane laddell.
Item, twa guspans.
Item, ten speitts.
Item, ane brander for ane goospan.
Item, ane rosten brander.
Item, twa frying pans.
Item, twa brace scumming disches.
Item, twa pair of raxsis.
Item, four yron pat brodis.
Item, ane brassin oven, with ane brander.
Item, ane fyr schull, with ane pair of tangis.
Item, ane wand skonce.
Item, twa tin schoppin stowpes.
Item, ane meikle lanterne.

Followes the Timber and Yrone Work.

Item, in the ladeis chamber, ane standing bed and ane breace, and ane pair of tangis.
Item, in the childrens chamber, thrie cannabie bedis, with ane yron breace, and ane pair of tangis.
Item, in the ladeis dyning roume, ane breace, and ane pair of tangs.
Item, in the letter meat rowme, ane fir pres.
Item, in the rowme within the samyn, ane standing bed, and ane falding bed.
Item, in the rowme beyond that, twa standing bedis, with ane falding bed.

Item, in the gallerie ane standing bed, and ane falding bed, with ane yron breace, and ane pair of tangis.

Item, in the gentlemens chamberis, fywe bedis, ane yron breace, and ane pair of tangs.

Item, in the dowcat litle chamber, ane standing bed.

Item, in the weumens chamber, ane standing bed, ane fir pres, and ane pair of tangs.

Item, in the forsaid haill rowmes sex French litle tables, and thrie fir litle tables.

This is the haill silver work and plenyshing left vnplundered be the Inglishes in anno j^{m} vj^{c} fiftie yeares, quhen the place of Dalketh was takin in be thame, and is now in the possessione of me, the said Lady Margaret Leslie, Countes Dowager of Buccleuch, within the place of Schirreffhall, and quhilkis I obles me to mak furtheumand and caus be delyverit to Lady Marie Scott, Countes of Buccleuch, and hir tutoris, quhen I sall be desyrit. In witnes quhairof (writtin be James Hamiltone, seruitor to Patrick Scott of Langschaw, writter in Edinburgh,) I haue subscryvit thir presentis, with my hand, att Schirreffhall the tuentie day of December j^{m} vi^{c} fiftie twa yeares, beffor thir witnesses, Alexander Chrystie, my butler, and the said Jaimes Hamiltone, writter heirof, Johne Birrell, my seruitor, and William Ellott in Dalketh. Sic subscribitur, Margaret Leslie, W. Ellott, witnes; John Burrall, witnes; Alexander Chrystie, witnes; J. Hamiltone, witnes.

235. The Will of Francis Earl of Buccleuch, with Inventory, dated 15th June 1650, and Codicil, dated 20th November 1651.

The Testament testamentar and Inventar of the goods, gear, soumes of money, and debts pertaineing to vmquhill ane noble and potent Lord Francis, Earle of Buccleugh, the tyme of his deceis, who deceist in the moneth of the year of God j^{m} vj^{c} fyftie years, faithfullie maid and given vp be himself vpon the fyfteinth day of Junii j^{m} vj^{c} fiftie years, and tuentie day of November j^{m} vj^{c} fiftie ane years, in sua far as concernes the nominatioun of his executours, tutours, oversiars, and legacies, and given vp be John Gledstanes, chamberlane and servitour to the said noble Earle, be advyce and at comand and direction of the right honorabill Sir John Scott of Scotistarvet, knycht, Sir William Scott of Clerkingtoun, knycht, Sir William Scott, elder, of Harden, knycht, William Elliot of Stobs, Sir William Scott, younger, fiar of Harden, knycht, Sir Gilbert Elliot, fiar of Stobs, knycht, John Scott of Gorrinberrie, Gedion Scott of Haychester, Patrick Scot of Thirlstane, Mr. Laurence Scott of Bavilaw, and Patrick Scott of Langshaw, tutors testa-

mentars nominat be his Lordship to Lady Marie Scott, now Countes of Buccleugh, eldest lawfull daughter to the said vmquhill noble Earle, in so far as concernes the haill Inventar of his goods, gear, debts, aughtand to him, and be him, quhilk Marie Countes of Buccleugh, the said deceist noble Earle nominat, made, and constitut his onlie executrix and intromissatrix with his goods and gear, in his latter will and codicill vnderwreitten, as the samen of the dates forsaids, subscryvit with his hand in presence of the witnesses eftermentionat, more fullie proports.

In the first the said vmquhill noble Earle had the goods, gear, soumes of money, and debts of the availles and pryces efter following, pertaineing and addebted to him the tyme of his deceis forsaid, viz., Imprimis, ane thousand twa hundreth fourtie old sheip, pryce of the peice ourhead four pund, summa four thousand nyne hundreth thriescore punds, Scots money; item, mair eight hundreth fourtie hoggs, at four merks the peice ourhead, inde twa thousand twa hundreth fourtie punds; item, the insight plenishing of the defuncts dwelling-houses of Dalkeith and Newwark respective, the samen for the most pairt being all taken away be the Inglishes, with his librarie, silver plate, so much therof as is yet to the foir, with the abuilziaments of his body by the airship, estimat to the soume of twa thousand sex hundreth thriescore sex punds threttein shilling four pennies.

	£	s.	d.
Summa of the Inventar, ...	9,866	13	4
Summa of the debts awing to the dead, . .	76,110	ii	7
Summa of the Inventar with the debts, . .	86,700	04	ii
Summa of the debts awin be the dead, . .	7,068	ii	4
Rests, of frie gear, the debts deducit, . .	78,939	2	4

Followes the deads Legacie, and Latter Will.

We, Francis Earle of Buccleugh, Lord Scott of Whitchester and Eskdaill, etc., considering the frailtie and vncertaintie of our lyfe, and how necessare it is to putt affaires in order now whill we are in good health (praised be God), we doe therfore heirby make our latter will as followes: First, we recomend our soull and body to God Almightie, to be guyded be his grace heir, assured to be glorified heirefter throw Christs merits; Item, we doe nominat our executors in maner following, viz., If it shall happen and please God to bless ws with sones ane or mae the tyme of our death, in that caice we doe nominat our eldest sone for the tyme, and failyieng of him our nixt eldest sone for the tyme successive, our onlie

executor and vniversale intromettar with our goods, gear, debts, and moveables, and failyieing of sones, we nominat Lady Marie Scott, our eldest daughter, and failyieing of her be deceis, Lady Margaret Scott, our second daughter, and failyieing of both be deceis, our nixt eldest daughter for the tyme successive, and failyieing of both sones and daughters, in that caice we nominat our weill beloved spous, Lady Margaret Leslie, Countes of Buccleugh, our sole and onlie executors and vniversall intromettors with our saids moveables: And becaus be ane band of tailyie of the date the fourteinth day of Junii instant, we have tailyed our estate to the aires male whatsomever of our own body, quhilks failyeing, to our eldest air female of our own body, without division, quhilks failyieing to the other aires of tailyie and provision mentionat in the said band vpon the severall conditiones therin contained, so that our saids executors, being our eldest sone or eldest daughter for the tyme, is to succeid also to our estate: Therfore we ordain our said air and executor forsaid to take course with and pay all and whatsomever debts and provisiones that shall happen to be awin be ws to our creditors or provydit be ws to our other children the tyme of our deceis, togither with all and whatsomever legacies we shall happen to leave, and for our better performeing therof, and for the better respect we have to the good of our hous and air to succeid to ws, we doe heirby leave and dispone to our said sone who shall happen to be our executor, and failyieing of sones to our said daughter, who shall be heir of tailyie and executor to ws, all and whatsomever goods, gear, debts, soumes of money, and others moveables whatsomever that shall happen to pertain and belong to ws the tyme of our deceis, alsweill deads pairt as relicts pairt and bairnes pairt; and failyieing of both our saids sones and daughters to be aires and executores to ws, so the said Lady Margaret Leslie, our weill belovit spous, shall happen to be executor to ws in maner forsaid, in that caice we, be thir presents, leave and dispone our saids housse moveables to the said Lady Margaret Leslie, our weill beloved spous; and quhilks haill moveables respective we, be thir presents, leave and dispone to our said weill beloved spous, frie of all debts and burdeines whatsomever, except such particular legacies as we shall please to leave to any particular persones or vses; and we doe heirby ordain that our air of tailyie nixt to succeid to ws shall be subject and lyable to all our saids debts and burdeins; Item, we nominat the said Lady Margaret Leslie, our spous (tutrix sine qua non), Sir John Scott of Scotistarvet, Sir William Scott of Clerkingtoun, both Senators of the College of Justice, Sir William Scott of Harden, elder, Sir William Scott, younger, his sone, William Elliot of Stobs, Colonell Walter Scott of Hartwoodburne, John Scott of Gorrinberrie, Patrick

Scott of Thirlstane, Mr. Laurence Scott of Bavilaw, Patrick Scott, wryter in Edinburgh, Gilbert Elliot, fiar of Stobs, tutors testamentars to all our children it shall please God to bless ws with, with power to them, or any fyve of them, the said Lady Margaret Leslie, our spous, dureing her widowhead, being alwayes one of the fyve, and failyieing of her be death or mariage, the said Sir John Scott of Scotistarvet, Sir William Scot of Clerkingtoun, Sir William Scott, elder of Harden, or any of them, being alwayes twa of the fyve, and if ther shall be fewer then fyve on lyfe for the tyme, with power to them to exerce the said office of tutorie, and to doe all things requisit theranent; item, we nominat our honorable freinds efternominat, to witt, John Earle of Rothes, Alexander Earle of Eglingtoun, William Earle of Roxburgh, John Lord Erskine, Gilbert Earle of Erroll, Hew Lord Montgomerie, John Lord Yester, Sir William Douglas of Cavers, shireff of Tiviotdale, to be oversiars to our said children and ther tutors, earnestlie intreating ther care to sie the saids tutors doe ane faithfull duetie to our children; item, our will and desyre is, that in caice it shall pleas God to bless ws with any male child of our own body to succeid to ws, who shall survive the age of pupillaritie, that he shall make choyce of so many of the saids tutors as shall be on lyfe for the tyme to be curators to him dureing his minoritie, and ay and whill he be of the age of twentie ane years, quhilk we seriouslie desyre in respect of ther knowen fidelitie to ws and to the good of our house, and in caice any of our daughters shall happen to succeid to ws be vertue of the forsaid tailyie, in that caice our will is, and we ordaine, that the forsaids tutors shall have the guyding and administratioun of our estate to the behove of our said daughter or daughters successive, as they shall happen to succeid be vertue of the said tailyie, not onlie dureing ther pupillaritie respective bot ay and whill the daughter or daughters, sua succeiding respective, be of the age of twentie ane years compleat at the least, ay and whill they be maried according to the provision and declaratioun made be ws and sett down in the forsaid tailyie, with power to them to input and output chamberlanes and factors, and to receave fra them yearlie ther accompts, which we will and ordain to be done yearlie of our haill rents, and to receave and imploy our saids rents to the best availl for the vse and profite of our said air of tailyie, to whom they shall be comptable for the advancement of our house and estate, recomending to ther care that such chamberlanes and factors as shall be appoynted be them be sufficient, honest, and qualified men, and gives power to the saids tutors and administrators respective to give and allow to the saids chamberlanes such competent yearlie fies, as they shall think fitting in ther discretion; item, we will that our children, during ther

minoritie or whill they be maried, be honorablie and carefullie bred and educat with and in the company and familie of our said spous, and be her advyce and direction dureing her viduitie, and failyieing of her be deceis or mariage, at the sight and be the advyce and direction of the saids tutors and administrators or quorum forsaid; item, we give power to the saids tutors and administrators respective, to determine what yearlie allowance shall be given for our said children ther aliment and breiding, and our will is the samen be honorable and competent, according to ther estate and qualitie. In witnes of the whilk thing, we have subscryvit thir presents with our hand, being wreittin be Patrick Scott, wryter in Edinburgh, our servitor, at Edinburgh, the fyftein day of Junii j^{m} vj^{c} and fiftie years, before thir witnesses, Mr. John Gilmor, advocat; Sir Robert Scot of Haining, knycht; the said Patrick Scot and James Glover, our servand; thus subscryved, Buccleuch, with my hand; Mr. John Gilmour, witnes, Sir Robert Scott, witnes, J. Glover, witnes.

Followes ane addition to the said defuncts Testament:

We, Francis Earle of Buccleugh, Lord Scott of Quhitchester and Eskdaill, etc., considering that formerlie we did make and signe our testament, which for the present is not in our hands, and that therin we did omitt some few particulars quhilks are now comed into my memorie, doe therfor ad to the forsaid testament as followes; viz., We nominat Gedion Scott of Haychester, second lawfull sone to Sir William Scott of Harden, and Mr. Lawrence Scott of Bavilaw, to be twa of our bairnes tutors, and addes them to those who are nominat in our principall testament: Item, we leave to Francis Scott, sone to vmquhile Hew Scott of Gallowschiells, our servand, the soume of thrie hundreth merks Scots money yearlie, dureing all the dayes of his lyftyme: Item, to James Glover, our servand, the soume of other thrie hundreth merks money forsaid dureing all the dayes of his lyftyme: Item, to Walter Scot, our master stabler, the soume of twa hundreth merks money forsaid dureing all the dayes of his lyftyme; to William Scott, eldest lawfull sone to Andrew Scott of Tuschilaw, our servitor, the soume of four hundreth merks yearlie dureing all the dayes of his lyftyme: Item, to Elisabeth Naper, spous to vmquhill Colonell Walter Scott of Hartwoodburne, and Walter Scott, ther second sone, procreat betwixt them, to the said Elisabeth dureing all the dayes of her lyftyme, and efter her deceis to the said Walter, dureing all the dayes of his lyftyme, the soume of twa hundreth merks yearlie: Item, to Grissall Ker, spous to vmquhill Sir Robert Scott of Haining, the soume of twa hundreth merks yearlie dureing all the dayes of her lyftyme: Item, to Robert Scott, callit

of Braidhauch, eldest lawfull sone to Walter Scott of Arkiltoun, the soume of eight hundreth merks yearlie dureing all the dayes of his lyftyme: Item, to Marion Nicoll, spous to Archbald Elliot of Phillip, eight bolls victuall, half meal half bear yearlie dureing all the dayes of her lyftyme: Item, to Scott, eldest lawfull sone to vmquhill Robert Scott of Auldtoun Crofts, the soume of twa hundreth merks yearlie dureing all the dayes of his lyftyme: Item, to John Scott, our youngest naturall brother, the soume of ane hundreth punds yearlie during all the dayes of his lyftyme, quhilks soumes of money respective forsaids we ordaine our aires to make payment of, conforme to the power we have reserved to ws in the disposition or infeftment of our estate in favors of our aires of lyne, tailyie, or provision therin contained, and wills the saids aires to make thankfull payment therof yearlie, as also wills and declaires the haill particulars respective above-writtin to be als sufficient, as if the samen had bein speciallie and particularlie exprest and insert in our principal testament forsaid, whervnto we ad the samen be thir presents wreitten be John Scot, our clerk of Dalkeith, subscryvit with our hand at Dalkeith, the twentie day of November, the year of God j^{m} vj^{c} fiftie ane years, before thir witnesses, Mr. William Scott, second lawfull sone to Sir William Scot of Clerkingtoun, and the said John Scott; thus subscryvit, Buccleuch, with my hand; Mr. William Scott, witnes; Jon Scott, witnes.

Colonell Leonard Lidcoat, Comissar of Edinburgh, speciallie constitut for confirmatioun of testaments, be the tenour heirof ratifies, approves, and confirmes this present testament and inventar, in so far as the samen is duelie and lawfullie made and given vp of the goods and gear abovspecifeit allennarlie, and gives and committs the intromission with the samen to the said Lady Marie Scott, executrix testamentare nominat be the said defunct, reserving compt to be made be her therof as accords of the law, and the said John Gledstanes, chamberlane, be advyce and at comand and direction of the haill tutors abovnominat, and in name and behalfe of the said executrix, being sworne be me, made faith that the said inventar is leillie and truelie made and given vp, nothing omitted furth therof nor sett within the just availl therin contained: whervpon Patrick Scott of Langshaw became cautioner that the goods and gear abovspecifeit shall be made furthcomeing to all pairties haveing intrest therto as law will, as ane Act bears: In witnes wherof thir presents are subscryvit be Mr. Harie Hay, clerk of the said Comissariot, the seall of office is heirto affixt, at Edinburgh, the 17 day of Maii 1653. Sic subscribitur, Mr. H. Hay.

COLONELL LEONARD LIDCOAT and Mr. Claude Hamiltoun, Comissars of Edinburgh, speciallie constitut for confirmatioun of testaments, be the tenour heirof ratifies, approves, and confirmes the said Lady Marie Scott, Countes of Buccleugh, in onlie executrix testamentar to the said deceist Francis Earle of Buccleugh, her father, and to the debts and soumes of money vnderwreitten addebted and resting owing to the said deceist Earle the tyme of his said deceis, omitted out of his principall confirmed testament abovewrittin be the said John Gledstanes, vpgiver therof, and now since the confirmatioun latelie come to his knowledge, and true it is ther wes justlie addebted resting owing to the said defunct the tyme of his deceis forsaid, be Walter Scott of Gowdielaw, the soume of four hundreth fiftie thrie punds, sex shillings, eight pennies, and that for rent and deutie of the lands of Rickartounfoote, Prinkinghauch, and Laweshill, occupyed and possest be the said Walter Scott to the said noble Earle yearlie from the year j^{m} vj^{c} threttie four years to the year of God j^{m} vj^{c} fourtie seiven years inclusive, being fourtein years, with twentie punds for ilk termes failyie, extending in all to the soume of sex thousand eight hundreth and sex punds 13s. 3d., and that conforme to the said Walter Scott his band subscryvit be him, dated at Newwark, the eight day of Apryll 1634 years, and gives and comitts the intromission with the samen to the said Lady Marie Scott, Countes of Buccleugh, onlie executrix testamentar nominat be and confirmed to the said deceist Francis Earle of Buccleugh, her father; and to her saids tutors testamentars for ther intress, reserving compt to be made be them therof as accords of the law; lykas they fand William Huntar, servitour to Patrick Scott of Langshaw, cautioun that the said debt and soume of money abovspecifeit should be made furthcomeing to all pairties haveing intres therto as law will, as ane Act made theranent bears. In witness wherof thir presents, being subscryvit be James Wright, clerk, the seall of office of the said Comissariot of Edinburgh is affixt, at Edinburgh, the twentie eight day of Junii 1655 years.

Signed C. HAMILTON.

236. ALLOWANCE by the TUTORS of LADY MARY SCOTT, COUNTESS OF BUCCLEUCH, of £10,000 Scots to her mother, the COUNTESS DOWAGER. 20th August and 15th December 1652.

THE tutouris of Lady Marie Scott, now Cowntes of Buccleuche, and hir Ladyship's sisters vndersubscryveand, haveing taken to consideratioun that the Cowntes Dowager of Buccleuche, ther mother, hes bene debarred fra hir conjunct fie for the crope and zeir of God 1651 zeirs, the late Earle, hir Ladyship's husband, haveing

died efter Mertimes terme the said zeir, sua that it wilbe Mertimes nixtocum befoir hir Ladyship can get payment of ony pairt of the renttis of hir lyfrent landis, and litle than quhill Witsonday following 1653, when shoe will also want a great part occasioned be this and preceiding ill zeiris, quhich the troubles of the tyme hes produced be impoverishing of a great many of the tennendis of the said Cowntes Dowager's conjunct fie landis, and that hir Ladyship hes bene at a great charge in hir famelie betuix the tyme of my Lordis death, in November last 1651, till Witsonday following last past, dureing quhich half zeiris space it being incumbent to the said yong Cowntes, as air and executor to hir said vmquhill father, to interteyne the said famelie honorablie vpon her Ladyship's expenssis, quhairin hes interteyned the charges of the said vmquhill Earle hir father's buriall, the visites of diuers freindis and vtheris occasioned by the Inglish Commissioneris ther abode at Dalkeith, and frequent meitting of the saidis tutouris for the said yong Ladyis effairis at the said Cowntes Dowager's hous, and thairfoir vpon the consideratiounes foirsaidis, the saidis tutouris hes allowed, and allowes, for the foirsaidis half zeiris interteynment of the said honorable famelie in maner and for the caussis forsaidis, the sowme of ten thowsand pundis Scots money, and this by and attour any sick nolt or sheip or kayne fowllis as hes bene furnished to the said famelie from the said yong ladyis chalmerlanes preceiding Witsonday last; and sicklyke hes exonered, and exoneris, the said Cowntes Dowager of any sick nolt and sheip and kayne fowlles as hes bene sent for the vse of the said hous and furnished to the said famelie ther maintenance befoir the dait heirof, and that in recompence of hir Ladyship's keeping hous thene in Edinburgh these thrie weikis bygane to the saidis tutouris, quhill they have bene receaving the haill chamberlain accomptis and regulating and directing the estate and effaris of the said yong Cowntes; and als the saidis tutouris, according to the power and warrand gevin to them be the said vmquhill Earle his Lordship's latter will and testament, hes allowed, and allowes, to the said Cowntes Dowager, for the said thrie yong ladyis, hir doghters, ther mantenance and all vther charges concernynge ther educatioun and furnishing quhatsumeuir, alsweill for ther clothing and abulyementis of all sortis and servand fies as for ther and ther saidis servandis bed and buird, the sowme of sevin thowsand tua hundreth merkis. And hes allocat and allocatis the tak dewtie of the coale of Scherefhall, payed and to be payed, to hir Ladyship be the takesmen thairof sen Witsonday last, to continew quhill Witsonday nixt, for hir Ladyship's payment and satisfactioun, for keiping, mantenyng and furnishing of the said young Cowntes and hir tua sisters respectiue, and ther servandis, in all thingis necessarie, as is abone

set downe, in contentatioun of all that the said Cowntes Dowager can crave for the caus foirsaid dureing the said space, and the said noble Cowntes Dowager hes accepted, and accepts, of the foirsaid allowances respectiue, as satisfactory, as is befoir set downe. In witnesse of the quhilk thing the said Cowntesse Dowager and remanent tutouris have subscryvit thir presenttis. At Edinburght, the twenty day of August j^m vj^c and fiftie tua zeris.

MARGARET LESLIE. PATRICK SCOTT.
W. SCOTT of Clerkington. JOHN SCOTT.
WILLIAME SCOTT. MR. L. SCOTT.
WILLIAME SCOTT. J. SCOTT.
SIR G. ELIOTT. W. ELIOTT.

Fyftene of December 1652.

I approve the samen agriement.

Sr J. SCOTTISTARVATT.
GID. SCOTT.

237. PETITION by LADY MARY SCOTT, eldest daughter of FRANCIS EARL OF BUCCLEUCH, in mitigation of a fine of £15,000 sterling imposed by the Act of Pardon and Grace. [*Circa* 1654.]

To the Honorabill Commissionares for hearing and determineing the petitiones of those who ar fynned by the Act of Pardone and Grace, the humble petitione of Lady Mary Scott, eldest daughter and air of the deceased Francis Erle of Buccleuche and hir tutouris,

Sheueth,—

WHAIRAS your petitioner is by the forsaid Act fynned in the soume of fyfteine thousand pound sterling, it is humblie conceaved that the fyne hes bein imposed by some mistake, his Hienes the Lord Protector and his honorabill Counsall not being informed of the conditione of your petitioner and cariage of hir deceased father. And now for the removeall of the forsaid fyne, and your petitioneris exoneratione thairof, hir tutouris doe humblie represent and offer to your Honouris consideratione and tryell those particularis following: 1st. That your petitioner is a pupill, within the age of sevin zeires; 2d. That hir estate is provydit to hir with such conditiones and tyes that shoe at no tyme is able to dispose vpoun any pairt therof, nor contract any debt thervpoun; 3d. That hir estate cannot be estimat in

zeirly value abone the soume of , whairof a pairt is lyfrented by hir mother, the Countes Duager; and, considering the burdenes of ces, chalmerlane fies and pensiones, hir zeirly rent cannot be estimat to more then ; and this estate is lyable to of debtes and provisiones dew to hir fatheris creditouris and to Lady Anna Scott, your petitioneris sister; besydes it is notour that hir landes did very much suffer, a great pairt being waisted and distroyed in the zeires 1650 and 1651, the wholl furnitur of the Castell of Dalkeith, of great value, being left to the discretione of and medled with be the Englishe army. And ther being Comissionares appoynted by the Hie Court of Parliament to come for the setlment of Scotland, hir deceased father did, befor his death, caus repair the said Castell of Dalkeith, for ther accomodatione, and in the interim haueing depairted this lyfe, his lady and familie did willingly remove from the hous and park, which still is possest by the Commanderis in cheif.

4. Your petitioneris father, ever since his comeing to publict veiue vntill his death, which wes in the 25th yeir of his age, wes looked on as a graue and pious nobleman, studieing alwayes the advancement of the powar of godlines, and verie instrumentall in the publict work of religione and libertie: Being scarce of the age of 16, his straight cariage did appear in the Parliament 1641; then, in the yeir 1643, prefering the publict good to all worldly respectes and interess and to the standing of his awine familie, he did hazarde his persone, and vnderwent the toyle of war for the assistance of England, being ane Colonell of a regment whairin, tho' very young he wes most examplar to vtheres for ingadgeing in the said war. He wes ane constant opposer of the malignant pairtie; testifieing his good affectione at all occasiones, publict and privat. In the zeir 1648, he wes ane opposer of the ingadgement, and withdrew himselff from the Parliament, and did not returne eftir the tuentie eight of Apryle, to witnes his disassent therto; and tho' that Parliament wes pleased to nominat him, or his deceased brother, Dauid Scott, to be Colonell of a regment, he did not only refuis to imbrace that charge himselff, bot disuaded his brother also, and wes amonges the first who, with his freindes and followeris did ryse in armes to reduce the forces which hade returned from England; and in the Parliament 1649 did sit and condemne the ingadgment againes England as vnlaufull. In summe, throughout the wholl cours of his lyfe he wes a young noblman of knowen pietie and integrietie, ane ennemie to all vice, and a favourer of all vertue, a constant advancer of the cause and work of God in these nationes againes all the opposeres thairof till the very hour of his death,

which wes in the moneth of November 1651; and since his death, your petitioner and hir tutouris hes schowen themselffes most obedient to the present governement in all thinges that possiblie could be expected from thame.

Nota. It is thought not fitting to mentione any thing the lait Erle can be charged with as sitting in Parliament or Comitties since Dumbar, anno 1650.

Item, it is fit to caus draw vp ane attestatioun als neir the straine of the petitione as can be, and to get it subscriuit with many good handes, and to advyse whither or not ther sall be a severall attestatioun subscriuit be ministeres, or if on may serve for all.

Item, that ther be ane severall attestatioun gottin of his removeall from the Parliament 1648, and his sitting in Parliament 1649. Bot it is thought that on attestatioun will be sufficient for all.

238. Attestation by Lord Burghly and others, in favour of Francis Earl of Buccleuch. [1654.]

The Earle of Buccleuche, ever since his comeing furth to publict veiue in the world vntill his death, which wes in the tuentie fyft yeir of his age, wes alwayes looked vpoun as a graue and pious young nobleman, who as he studied the advancement of the power of godlines amonges those he had interes in, countenanceing and incourageing all such, and wes very instrumentall in the publict work vndertaken for religione and libertie, so he wes alwayes ane ennemy to those courses which manifested any thing in them of preiudice to those interestes, and did discountenance the profaine mockeris of those tymes. This his inclinatione did appear first in his straight cariage in the Parliament 1641, whairin he satt, not being sixtene yeires of age, and wes not then shakene with any tentationes of fear or favour from Court; and therefter, in the yeir 1643, thoughe it hade bein hie tyme for him to haue settled by mariage his weak familie, yet did he prefer the hazard and toyll of the war in England, attending ane regment wes appoynted him by Parliament, giveing therby great example to this natione for ingadgeing in that war, as he did lykwayes all alonge of a most regulat cariage therin, in all the civill warres of Scotland wes a constant opposer of the malignant pairtie, and shew his good affectione by his presence in counsalles and in the feild at all occasiones as he wes called. In the yeir 1648 wes ane opposer of the ingadgment as is knowen to many of this natione, althoughe his absence in the

day of the protestatione makes him not appear to be one of that number, yet wes he with the first who rais in armes with all he had power of to reduce the remnant of the forces who had returned from England, and wes prosecuteing the endes of that ingadgement, which also in the Parliament 1649 following (he being a member) condemned as vnlaufull. And in the late war 1650 and 1651, hath no further acted nor appeared then as a member of the Comittie of Estates to which he wes choysen by Parliament, and wes so seldome present in these as he drew vpoun him the suspitione of one dissaffected to the war, and a favourer of those who did not concur therin. The trueth of this is known to many of this natione, and in testimony therof is subscryved be ws.

Sic subscribitur,

BURGHLY.	J. STIRLING.
Sr JA. HOPE.	G. LESLIE.
A. MURRAY of Blackbarony.	JA. STEWART.
JA. MELUILL.	D. WEMYS of Fingask.
MR. RO. TRAILL.	

Edinburgh, October 23, 1654.—Examined with the originall, and signed by order of the Commissioneris for mitigation of fynes.

SAM. MOSLEY, Clk.

239. ATTESTATION, that the EARL OF BUCCLEUCH had served in a Parliamentary Regiment, and had opposed the Engagement, etc. [1654.]

THE Earle of Buccleughe, ever since his comeing forth to publique veiw in the world vntill his death, which was in the twenty fift yeare of his age, was alwaies looked vpon as a graue and pious yong nobleman, who, as he studied the advancement of the power of godlines amongst those he had interest in, countenanceing and incourageing all such, and was very instrumentall in the publique work and vndertakeing for religion and liberty, so he was alwaies an enemy to those courses which manifested any thing in them of prejudice to those interests, and did discountenance the prophane mockers of these times: This his inclination did appeare first in his straight carriadge in the Parlyament 1641, wherein he sat, not being sixteene years of age, and was not then shaken with any tentations of feare or favour from Court; and thereafter, in the yeare 1643, though it had bene high time to him to haue setled by marriage his weake family, yet did he preferre the

hazard and toyle of the warre in England, attending any regement was appointed him by Parlyament, giueing hereby great example to this nation for ingageing in that warre, as he did likewise all along of a most regulate carriage therein; in all the civill warrs of Scotland was a constant opposer of the malignant party, and shew his good affection by his presence in councelle and in the feild at all occasions as he was called. In the 1648, was an oposer of the ingagement, as is knowne to many of this nation. Although his absence in the day of the protestation makes him not appeare to be one of that number, yet was he with the first that rose in armes, with all he had in power of, to reduce the remnant of the forces who had returned from England, and was prosecuting the ends of that ingagement, which also, in the Parlyament 1649 followeing, he being a member, condemned as vnlawfull. And in the late warr, 1650 and 1651, hath noe further acted nor appeared then as a member of the Comittee of Estate, to which he was chosen by Parlyament, and was so seldome present in these, as he drew vpon him the suspition of one disaffected to the warre, and a favourer of those who did not concurre therein. The truth of this is knowne to many of this nation, and in testimony thereof is subscribed by vs

Sr Ja. Hope.	L. Charteris.
Ja. Madowall.	R. Leighton.
Mr. Ro. Traill.	J. Stirling.

Dorso—Attestioun, the Earle of Buccleuches carriage : Presented at London.

240. Attestation by the Earl of Lothian as to the Earl of Buccleuch's zeal for the Covenant, etc. 25th September 1654.

The late Earle of Buccleuche from his verie youth gaue testimony of his loue to religione, and that he wes vprightly affected for the manteinance of it and of the priviledges and liberties of his country; and this appeared publictly in the Parliament held in this land in the yeir 1641, when then he wes hardly sixteene yeires of age; and as he grew vp, so did his zeall and good cariage incres, which wes of no meane effect for the effaires that wer in hand in those tymes in this land; for being a man verie eminent and powerfull, his countenance and concurrence wes very vsefull in the defence of the countrie and carieing on the assistances wer given to England, whither he led in a regment of his freindes and followeris in the yeir 1643, and still continued constant and active in the pro-

moveing the endes of the league and covenant, and in opposeing all that wes opposit and cros to it in relatione to England or in this land; and when the vnlaufull ingadgement wes in the yeir 1648, he wes on of the first that rose in armes againes the carieris on and prosecutouris of it. And in all these good and honest actiones, and verie many more expressiones of his good dispositione, he may haue abundant more and better witnes beararis, yet I cannot for my pairt bot amonges otheris declair some pairt of what I know and haue seine, to doe right to the memory of a worthie and honest man, the head of a noble familie, which for the former good cariage of it, and what may be in the futur for the good and service of the nationes, is worthie to be keiped vndiminished and preserved. Written at Newbotle, 25th of September 1654.

Sic subscribitur,

LOTHIAN.

Edinburgh, October 23, 1654.—Examined with the originall, and signed by order of the Commissioneris for mitigation of fynes.

SAM. MOSLEY, Clk.

241. ATTESTATION as to the EARL OF BUCCLEUCH'S conduct in regard to the malignant party and the engagement against England. Jedburgh, 19th September 1654.

WE vndersubscryveris being desyred by the tutouris of the richt honorabill the Lady Mary Countes of Buccleuche to give ane faithfull testimony concerning the cariage and deportment of the deceased Frances Erle of Buccleuche, hir father, and holding ourselffes obleidged in duety to satisfie so just a desyre, according to our best knowledge, doe by these presentes declair that the said deceased Erle ever since his comeing to publict veiwe wes looked on as a grave and sober nobleman, wes a countenancer of goodnes and a constant opposer of the malignant pairtie, which appeared in his straight cariage in the yeir 1643, at which tyme, altho verie young, he prefered the publict good to his worldly interess, and to the standing of his awine familie, by hazarding his persone and vndergoeing the toyll of war for the assistance of England, being ane Colonell of a regment, in which war his ingadgeing wes verie examplarie to otheris; and besyde his being in armes with his freindes and followeris in the yeir 1645 for the defence of this kingdome, when

it wes overrune by the Yrishe and vnnaturall countriemen, and few or none appearing in behalf of the country againes these ennemies; he did also in the yeir 1648 oppose the vnlaufull ingadgement againes England, and withdrew himself from the Parliament to witnes his disassent therfra, and tho' that Parliament wes pleased to nominat him, or his deceased brother Dauid Scott, to be Colonell of a regment, he did not only refuis to imbrace that charge himselff, bot dissuaded his brother also, and wes amonges the first who, with his freindes and followeris, did ryse in armes to reduce the remnant of the broken forces returned from England; and in the Parliament 1649 did sit and condemne the ingadgement againes England as vnlaufull: In witness of the trueth of the premissis we haue subscryved these presentes with our handes, att Jedbrughe, the nynteine and dayes of September 1654.

Sic subscribitur,

MR. RO. CUNIGHAM, Minister off Askirke.
M. WILLIAM ELIOTT, Minister off Yara.
MR. JOHN SCOTT.

SIR T. KER of Cauers.
J. RUTHARFURD of Edzerton.
W. KER of Newton.
SIR AND. KER of Greenehead.
W. RIDDELL.

Although I wes not in this pairt of the country when these thinges abonewritten wer done, nor had not the opportunity to be particularly acquainted with the Erle of Buccleuche, yet by the testimony of the severall famous persones, I am sufficiently assured of the treuth of what is abone expresed: So witneseth

JO. LIUINGSTONE.

I wes a strainger in Scotland vntill the 1647, haueing served vnder the Parliament of England vntill then; and since I haue bein in some measure a witnes, and can testifie of his most laudable cariage in the abonementioned particulares. And as for the tyme befor that, the trueth of what is alledged is most true by many famous witnessis.

GILBERT KER.

Edinburgh, 23d October 1654.—Examined with the originalls, and signed by order of the Commissioneris for mitigation of fynes.

SAM. MOSLEY, Clk.

242. WARRANT by MARY COUNTESS OF BUCCLEUCH to SIR PETER WEDDERBURNE and MR. GILMUR, Advocates, to draw up her Testament, with a disposition of her property to the Earls of Rothes and Wemyss, etc. 29th January 1661.

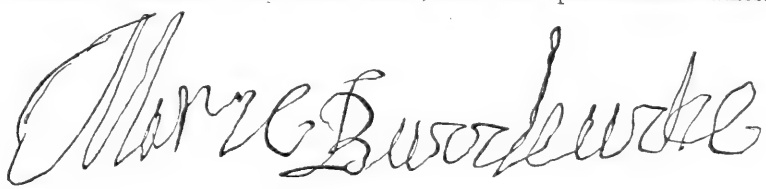
WE, Marie Countess of Bucleugh, does by thir present give full power and warant to Sir Peter Wederburne of Gosford and Mr. Andrew Gilmure, our advocates, to draw up our testament, letter will, or disposition, of all our goods and geir whatsomever which is in our power to dispone, to and in favours of Johne Erle of Rothes, our uncle, and David Erle of Wemyss, our father-in-law, their heirs, exequtors, and assigneis, in as ample forme as accordes in the law. It being our express will that Lady Marie Montgomrie, our cousin germane, shall have out of the first and readiest therof the soume of ten thowsand pound Scotes: And this I ordain to be done alanerly in this case, if that the band or contract pased betwixt Hew, now Erle of Eglingtoune, then Hew Lord Montgomrie, and us, shall not stand to be payed to hir, as we have already disponed the said soume to hir. This we ordaine yow to goe quickly about and exped the same, and this shall be your warant at all handes. In testimonie wherof we have subscryved thir present with our hand at Wemyss, the twentie nynt day of Januar 1661, befor thir witnesses, Mr. Alexander Martine of Strandrie and Mr. Johne Arthour and Johne Arnot, servants to the Erle of Wemyss.

Al. Martine, witnes. MARIE BUCCLEUCH.
J. Arthour, witnes.
J. Arnott, witnes.

243. THE WILL of MARIA COUNTESS OF BUCCLEUCH. 31st January 1661.

WEE, Maria Countess of Bucleugh, being weak in body though perfect in spirit and memory, doe mak our last will as follows, in relation to our wordly affaires, and in corroboration of our former testament, except in sua far as the same is heirby innovat, and our will is, that the sumes bequeathed be us by a former testament or codicell in favours of John Erle of Rothess and David Erle of Wemyss, shall be paid and satisfied to them by our exequtor or exequtors, either be the particular way mentioned in the said codicell, or out of the first and readiest of whatsomever goods, geir, or other movables and estat whatsoever belonging or that shall happen to belong to us the time of our deceiss, as they and their forsaids shall think most expedient, and for that effect we legat and bequeath to them their aires, exequtors,

or assignees so much of our saids goods, geir and estat, as will pay and satisfie them of the saids haill soumes mentioned in the said codicell, with power to them and their forsaids for that effect to mell and intromett therwith, call and persew therfor, use and dispone theirupon at their oune pleasour, heirby revocking all former testaments and codicells, in sua far alenarly as the same may be any way preiudiciall to this our last will. In witnes wherof wee have subscryved thir present with our hand at the place of Wester Wemyss, the last day of Januar one thowsand six hundreth three scor one yeares, befor thir witness, Mr. Alexander Martin of Strandrie, John Arnot, servitour to the Erle of Wemys, and Mr. John Arthour, chaplane to the said Erle, writer heirof, and filler up of witness names.



Al. Martine, witnes.
J. Arthour, witnes.
J. Arnot, witnes.

244. THE WILL AND INVENTORY of the goods of MARY COUNTESS OF BUCCLEUCH. 2d February 1661.

THE Testament Testamentar and Inventarie of the guidis, geir, and debtis of wmquhill ane noble Countes, Marie Countes of Buckleugh, within the parochin of Weyms and shireffdome of Fyff, the tyme of hir deceis, quha deceist in the moneth of March, the zeir of God j^m vj^c thriescoir ane zeiris, faithfullie maid and gewin vp be the noble Earle, Johnne Earle of Rothes and Dauid Earle of Weyms, executoris testamentaris nominat to the said noble Countes in [hir] latter will vnderwritten.

IN the first, the said wmquhill Marie Countes of Buckleugh, tyme of hir deceis foirsaid, had pertening to hir the guidis and geir following, of the pryces efter-specifiet, viz., aucht hundereth wedderis at sax scoir the hundereth, pryce of the peice owerheid four pund: Inde, thrie thowsand aucht hundereth and fourtie pundis: Item, fyue hundereth ditmondis, pryce of the peice owerheid thrie pundis: Inde, ane thowsand aucht hundereth pundis: Item, sex hundereth zewis, hogis, and gimmeris, pryce of the peice owerhead, four merkis: Inde, ane thowsand nyne

hundereth and tuentie pundis: Item, ane hundereth staine weicht of wooll, pryce of the staine owerheid, thrie pund vj s. viij d.: Inde, four hundereth pundis: Item, of led teind corne and fodder, quhich the said deceist Countes had perteining to hir within the barne zaird of Dalkeath the tyme of hir deceis, of the cropt j^{m} vj^{c} thriescoir, estimat to tuo thowsand nyne hundereth threttie thrie pundis: Mair, the said deceist Countes had pertening to hir the said tyme of hir deceis of led teind of Selkirk, Hassenden, and Clarielaw, the foirsaid crop j^{m} vj^{c} thriescoir, estimat corne and fodder to thrie hundereth and tuentie pundis: Item, the insicht plenisching pertening to the said defunct the tyme of hir deceis, in hir La[dyship's] hous of Sherreffhall, with the abuilzementis of hir bodie, by the airschip, estimat to the sowme of thrie hundereth threttie thrie pundis vj s. viij d.

Summa of the inventarie xj^{m} v^{c} xlvj lib. vj s. viij d.

Debtis awand to the Dead.

In the first, thair wes restand to the said deceist noble countes, the tyme abone specifiet of hir deceis, the debtis and sowmes of money and wtheris wnderwrittin be persones efter nominat, ilkane of them for thair awin pairtis as is efter divydit; to wit, be the said noble Earle of Rothes, the sowme of tuelff thowsand pund principall conforme to his band granted to the said deceist Marie Countes of Buckleugh, daittit the tuentie second day of December j^{m} vj^{c} thriescoir zeiris: Item, be Sir Gidion Scot of Haychester, Knicht, the sowme of tuo thowsand four hundereth pundis principall, conforme to his band grantit to the said deceist Countes, daittit the tuentie fourt day of Apryll j^{m} vj^{c} thriescoir zeiris: Item, be Johnne Scot callit of Newbrugh, lait bailzie of Esdaill, and Sir William Scot of Harden, his cautioner, the sowme of tuo thowsand and threttie pundis, as principall, with the anuellrent thairof fra the terme of Lambes j^{m} vj^{c} fiftie sax to Mertimes j^{m} vj^{c} thriescoir zeiris, conforme to thair band grantit to the said deceist Countes, extending to the sowme of fyue hundereth auchtein pund: Item, be Francis Scot of Erkletoun, for himselff, and as air and executor to the deceist Walter Scot of Erkletoun, his father, the sowme of tuo thowsand nyne hundereth tuentie sax pund, for the rest of the said deceist Countes hir rentis of hir landes and wtheris within the boundis of Esdaill, Euesdaill, Wacholdaill, and Esdaillmuir quherof thair wer chalmerlaines: Item, be Maister Laurence Scot of Bavelaw, lait chalmerlaine of Dalkeith, and of the coall of Shireffhall, for the croptis and zeiris of God j^{m} vj^{c} fiftie aucht and j^{m} vj^{c} fiftie nyne zeiris, nyne thowsand four hundereth four scoir sevin pundis: Item, be Robert Scot of Har-

wood, lait Chalmerlaine of the said deceist Countes, hir landis in Tiviodeallheid and wtheris within his chairge, the soume of four thowsand sax hundereth tuentie thrie pund: Item, be Johnne Scot of Gorrinberrie, sometyme chalmerlaine of the said deceist Countes, hir landis within the lordschip of Lidesdaill, debaitable landis and wtheris within his chairge, the soume of aucht thowsand aucht hundereth thrie scoir tuelff pundis: Item, be Patrik Scot of Thirlestaine, sumtyme chalmerlaine of the said deceist Countes, hir landis within the lordschip of Etrick forrest and wtheris, sevin thowsand nyne hundereth fourscoir nyntein pundis: Item, be Walter Scot of Leburne, sumtyme chalmerlaine of the said deceist Countes, hir lordschip of Dalkeith and wtheris, for the crop j^{m} vj^{c} thrie scoir, the sowme of four thousand sax hundereth fiftie four pundis: Item, be William Scot, sometyme chalmerlaine of Dalkeith and of the said Countes, hir lordschip of Dalkeath, the soume of sax hundereth four scoir four pundis: Item, be Francis Glaidstaanes of Quhytlaw, sone to the deceist Johnne Glaidstaines, lait chalmerlaine of the said deceist Countes hir landis of Essenden and wtheris, the soume of thrie thowsand fyue hundereth fiftie thrie [pundis]: Item, be Johnne Scot, bailzie of Langholme, sumtyme chalmerlaine of the said deceist Countes hir landis of Esdaill and wtheris within his chairge, the sowme of elevin thowsand aucht hundereth fourscoir thrie pund: Item, be Johnne Scot of Wooll, sumtyme chalmerlaine of the said deceist Countes, hir landis within the lordschip of Etrickforrest, the soume of sewin hundereth tuentie thrie pundis: Item, be James Scot of Thirlestaine, lait chalmerlaine of the said deceist Countes, hir landis of the Lordschip [of] Lidesdaill and debaitable landis, the crop and zeir of God j^{m} vj^{c} thriescoir, the sowme of tuo thowsand fyue hundereth fiftie tuo pundis: Item, be Johnne Scot of Langhop, for himselff and as executour to the deceist Johnne Scot of Heidschaw, his father, as rest of their intromissione with the said deceist Countes, hir landis of Lidesdaill and debaitable landis, tuo thowsand [pundi]s: Item, be Patrik Scot of Langschaw, as generall ressauer of the said deceist Countes, hir rentis, the soume of sevin thowsand sax hundereth and fiftie pundis: Item, be James Scot, sone to Robert Scot of Bowhill, and the said Robert his cautioner, the sowme of four hundereth thrie scoir ten pundis as the rest of a futtit compt of his intromissione of the rentis of the baronie [of] Thickfoord: Item, be Robert Pringle of Stichle, the sowme of aucht [hunder]eth four scoir pundis, conforme to a decreit obtenit at the instance of the said deceist Countes aganis him: Item, be Mr. Johnne Scot, fiar of Langschaw, William Scot of Dalkeith, and Charles Murray, brother to Sir William Murray of Newtoun, the sowme of fywe thowsand and four hundereth pundis for the tak deutie of the coall

of Shireffhall fra Lambes j^m vj^c fiftie aucht to Lambes j^m vj^c fiftie nyne zeiris: Item, be James Earle of Quenisberrie and William Lord Drumlenrick, his sone, the sowme of nyne hundereth and sevin pundis for the valued teind deuties of seuerall landis belonging to them within the barronie of Havick, the crop j^m vj^c lx and preceiding.

Summa of the saidis debtis, . . . Lxxxxij^m ij^c xj lib.
Summa of the inventar and debtis, . j^c iij^m vij^c lvij lib. vj s.

Ordinar debtis awand be the Dead.

In the first, thair wes restand be the said deceist Countes the tyme foirsaid of hir deceis, to the persones eftermentionat, the sowmes of money efter specifiet, viz., To William Blair, for a zeiris rent of the foir chalmer in Edinbrugh quhair the said deceist Countes hir charter kist standis and for annuitie thairof, ane hundereth threttie nyne pundis vj s. viij d.: Item, to Grissell Kynnynmonth hir seruitrix of bygaine fies, ane thowsand thrie hundereth xxxiij pundis vj s. viij d.: Item, to Walter Scot, a zeiris fie restand to him, ij^c lxvj lib. xiij s. iiij d.: Item, to Johnne Burrall, gairdner in Dalkeith, for ane zeiris fie, ane hundereth and tuentie pundis: Item, for the teindis of Zeara ij^m lib.: Item, for the tak deutie of Stayne Gordoun ij^c lib.: Item, of ministeris stipendis ij^m lib.: Item, to Alexander Pennycuik, chirrurgian, foir imbalming the defunct hir corpis, and for paines and medicamentis furnischit to hir the tyme of hir sicknes iiij^c Lxxx lib.: Item, to David Scot, appothecarie in Edinburgh, for drogis, j^m j^c xiii lib. xviii s.

Summa of the saidis debtis, vij^m vj^c liij lib. iiij s. viij d.
Summa of the frie geir debtis deducit, lxxxxvj^m j^c iiij lib.
To be divydit in twa pairtis, ilk pairt is xlviij^m lij lib.

Followis the Latter Will.

We, Marie Countes of Bucleugh, being at present perfyt in memorie and vnderstanding, and knowing nothing more certaine than death nor more vncertaine then the particular tyme thairof, Thairfoir we haue thocht fit to declair and mak our letter will and testament—First, we recomend our soull and bodie to our creatoris mercie, hoping to be saved throw the precious merit of Jesus Christ, our onlie Saviour and Redeemer, and ordanis the interring of our corpis according to our qualitie and the custome, to be in the buriall place of our honorable predicessoris, as our Ladie mother and honorabill freindis will think fitt and ressonable; and for our worldlie estate we be thir presentis, for diuers weichtie caussis and considerationes moweing ws, doe nominat and appoint Johnne Earle of

Rothes, my vncle, and Dauid Earle of Weyms, my father in law, our onlie executoris and vniversall intromittoris with our quholl guidis and geir, vtincillis or domicillis, sowmes of money, debtis, rentis of all landis, coallis, teindis, and wther rentis or annualrentis, cornes, cattell, insicht plenisching, jewellis, gold, siluer, coyned or vncoyned, and all wther moueables quhatsumeuir, now pertening, or quhich mey pertein, accress, or ony wayis belong to ws the tyme of our deceis, quhen it sall happin: and we heirby nominat the saidis Johnne Earle of Rothes, our vncle, and Dauid Earle of Wemys, our father in law, our vniversall legatoris of all and quholl our saidis guidis, geir, debtis, sowmes of money, rentis, and wtheris foirsaid; with power to them to call, follow, and persew thairfoir, vplift the samen from the tennentis, chalmerlaines, debitouris, and wtheris persones quhatsumeuir addebtit in payment thairof, imploy the same, wse and dispone thairvpone, at thair owin pleasir, as thair owin proper guidis and geir: Wiling and ordaining this our will and testament to be valid and binding as codicill testament, or the best way quhich law can alow, in favouris of our saidis onlie executoris and vniversall legatoris, dispensing with all solemnities that can be requyred, and holding heirby the generalitie abonewritten as sufficient as if everie particular wer heirin insert: And this we ordaine to be our testament and latter will irrevocablie, renunceing all wtheris maid be ws heirtofoir. In witnes quhairof thes presentis (written be Mr. Johnne Arthour, seruitour to the Earle of Weyms), we haue subscriuit the samen with our hand, att the place of Wester Weyms, the second day of Februar the zeir of God j^{m} vj^{c} thriescoir one zeiris, befoir thir witnesses, Mr. Alexander Martine of Strahendrie, Johnne Arnot, and the said Mr. Johnne Arthour, writer heirof and fillar vp of the saidis witnesses. Sic subscribitur, Marie Bucleugh, A. Martine, witnes, J. Arthour, witnes, Jo. Arnot, witnes.'

J. ALEXANDER.

I, Patrik Lyndesay, fiar of Wolmerstoun, Commissar of St. Androis, haveing the pouer of confirmation of testamentis within the boundis of my jurisdiction, be thir presentis ratifies, approves, and confirmes this present inventrie and testament befoir wreittin, togither with the executouris thairin constitut, in sua far as the samen is justlie and trewllie maid and given up, and na otherwayes: Lykas the saidis executouris have maid faith that the samen inventarie is justlie and trewllie maid and given up, nathing omittit furth thairof, nor sett within the just availl thairin conteinit, except in sua far as may concerne such soume or soumes of money as they intend heirefter to add to the said inventarie, and protestit in communi

forma, etc.: And Mathew Patersone, burges of Edinburgh, and Laurence Malcolme, burges of Kirkcaldie, ar become cautioners for the said executouris that the saidis guidis, geir, and debtis abone writtin shall be saiffe and furthcomeing to all pairties haveand interest thairto, as law will: And thairfoir I, be thir presentis, committ full power, warrand, and commission to the saidis executouris to mell and intromitt with the haill goodis, geir, and debtis abowe wreittin, to call and persew thairfoir, if neid beis, and to outred creditors thairwith: reservand allwayes just compt and rackoning thairof to be maid be the saidis executouris quhen and quhair they shall be requyrit to that effect. In testimonie quhairof to thir presentis, subscribit be John Wilsone, clark of the said Commissariot, the seall of the said office is affixit, att Sanct Androis, the thretteine day of Junij, the zeire of God j^{m} vj^{c} thriescoire tua zeires.

Jo. Wilsone.

245. Inventory of the Plenishing of Dalkeith House and Sheriffhall. (1661.)

Inventare of the aireship goods and geare of the plenishing of Dalkeith and Shirefhall, belonging to Anna Dutches of Buccleuch, as aire to the late deceast Mary Countes of Buccleuch, her sister, as followeth. (*Dorso* 1661.)

Dalkeith, 1.—Imprimis, ane sute of arras hangings, being sex peices, which is a pairt of the ten peices that hung the King's chamber in Dalkeith Castle; the Inglish haveing taken and plundered the other foure peices.

Dalkeith, 2.—Item, ane sute of blue damas courteins, consisting of three peice of courteins with outter and inner vallance, counter pand, head peice, bolster peice; with two table cloaths and foure knapes for the bedhead.

Dalkeith, 3.—Item, ane weinscott bed stead, with a doune bed, ane bolster and two cods conforme, with foure paire blankets, ane paire of lining sheits and two codwairs.

Edinburgh, 4.—Item, ane weinscott squaire table folding up in the corners, making a perfyt round table.

Edinburgh, 5.—Item, ane resting coutch covered with rid cloath.

Edinburgh, 6*th*.—Item, ane old armed chyre covered with rid velvet.

Edinburgh, 7*th*.—Item, ane dussin of old Russia leather chyres.

Edinburgh, 8*th*.—Item, ane old shewed cusheon, there being but 8 in whole.

Dalkeith, 9*th*.—Item, ane black ibone mirrour glase, with a timber caise therto.

Dalkeith, 10*th*.—Item, ane damas table cloath, with ane dussin of naprie, pairtlie damas and pairtlie dornick, with a syde buird cloath and towell conforme to that sute.

Dalkeith, 11*th.*—Item, ane brase oven with brander, wanting the cover.

Dalkeith, 12*th.*—Item, ane great pot of brase called Branxholme Pot, much worne, haveing a hole in the bottome.

Dalkeith, 13.—Item, ane old brase ladle and scumer.

Dalkeith, 14.—Item, ane old brase pan, clouted.

Dalkeith, 15.—Item, ane old brase candlestick.

Edinburgh, 16.—Item, ane litle coper morter and pistoll.

Dalkeith, 17*th.*—Item, ane stand of pewther stoupes, as quart, pynt, and choping, being all broken and holled.

Dalkeith, 18.—Item, ane dussin old tin plaits, learger and lesser.

Dalkeith, 19.—Item, ane dussin old tin treunchers.

Edinburgh, 20.—Item, ane old foure squaire tin flaket.

Dalkeith, 21.—Item, ane old chamber pot worne and holled.

Edinburgh, 22.—Item, ane iron brace for ane chamber.

Edinburgh, 23.—Item, ane paire of old fashion broken and irons of brase.

Dalkeith, 24*th.*—Item, ane pair of great standing raxes.

Dalkeith, 25*th.*—Item, two great speits belonging therto.

Dalkeith, 26*th.*—Item, ane iron dreiping pan, with ane old fryeing pan holled; with ane rosting iron and brander, ane paire tangs.

Edinburgh, 27.—Item, ane old wand sconce.

Dalkeith, 28*th.*—Item, ane rid velvet cusheon for the church.

Dalkeith, 29*th.*—Item, the late Earles Parliament robes, and hood therof.

Dalkeith, 30*th.*—Item, the foot mantle therto belonging, which is of black velvet, with broad gold lace.

Dalkeith, 31.—Item, the best of the bookes, viz., Corpus Juris Civillis et Canonicis Glosatum, consisting of nyne great volums in folio.

Dalkeith, 32.—Item, ane old velvet paill, much worne, wanting the half of the freinzies.

Dalkeith, 33.—Item, ane old velvet mort cloath, much spoilled, and moth eatin.

Dalkeith, 34.—Item, ane yellow sumpter cloath, with blue lace.

Dalkeith, 35.—Item, the brewing loomes in Dalkeith Castle, viz., ane great lead, ane fatt, ane cooller, with two ale fatts.

Dalkeith, 36.—Item, the kitching buirds and baikhouse buirds in the castle.

Shirefhall, 37.—Item, the kitching buirds and baikhouse buirds in Shirefhall, being all old daills.

Shirefhall, 38.—Item, two pictours, one of Earle Walters, the other his sone David.

246. ACT by the TUTORS of ANNA COUNTESS OF BUCCLEUCH, granting £10,000 merks Scots for her aliment to the EARL AND COUNTESS OF WEMYSS. 8th January 1662.

WE, Sir John Scott of Scottistarvett, knight, only tutor testamentar nominat sine quo non, now on lyfe, to Anna Countes of Buccleuch, and we the remanent tutors testamentars undersubscryveing, being ane quorum of the tutors apointed be the late Francis Earle of Buccleuch in his testament, considering that the said noble countes is the only child and heire of tailzie and provision now on lyfe of the said deceast Francis Earle of Buccleuch, and that his Lordship in his said later will and testament hes given power to the tutors and administrators respective of his childrein to determin what yearlie allowance shall be given for there alliament and breiding, which he therby declairs to be honourable and competent according to there estate and qualitie, and the said noble Countes being in famylie at the Wemyss with the right honourable David Earle of Wemyss and his noble lady, Dame Margaret Leslie, Countes of Wemyss, mother to the said Countes of Buccleuch, to whom it wer all equitie and reason that ane honourable and competent allowance be given and payed for the said noble countes our pupill, allsweill for her alliament, breiding, education and learning, as for all other necessars that may conceirn or be fiting in ane honourable way for cloaths, abulziements, servants interteinment and there fies, or any other thing that may conceirn her Ladyships awne person and her servants and domestick affaires, in ane honrable way, according to her estate and qualitie, have therfor resolved that the sowme of ten thousand merks Scotts money shall be thankfullie payed to the said noble Earle and Countes of Wemyss for the said Countes of Buccleuch her alliament and breiding, and others above specified, the space of ane yeare, viz., from the terme of Whitsonday last bypast to the terme of Whitsonday nixtocome in the yeare j^{m} vj^{c} and sixtie and two; and heirby of one consent gives our full power and warrand to Patrick Scott of Langshaw, one of our number, or to any other the said noble Countes her chamberlains, to mak good and thankfull payment to the said noble Earle and Countes of Wemyss of the said sowme of ten thousand merks, to be in full satisfaction for the said countes our pupill her alliament and breiding, and other necessars aforesaid; declairing that thir presents with the said Earle and Countes of Wemyss there discharge of the said sowme shall be ane sufficient warrand and exoneration to the said Patrick Scott of Langshaw, or any other of the said Countes her chamberlaines, for ane thankfull allowance therof in the

accompts of there intromission with the said Countes our pupills rents. In witnes wherof we have subscryved thir presents, at Edinburgh, the eight day of Januare, the yeare of God j^{m} vj^{c} sixtie and two, before these witneses, Mr. Francis Scott, sone to the said Patrick, and Robert Douglas, merchant in Edinburgh, and James Scott, servitoure to the said Patrick Scott, wrytter hereof.

Sr J. SCOTTISTARVITT consents till Witsonday allanerly.

JOHN SCOTT. PATRICK SCOTT.

F. Scott, wittnes. MR. L. SCOTT. P. SCOTT.
Rot. Douglas, witnes.
James Scott, witnes.

WE David Earle of Wemyss and Dame Margaret Leslie, Countes of Wemyss, grant us to have received from Patrick Scott off Langshaw, in name and behalf of the right honorabill the Countes of Buccleuch and her tutors, the sowme of ten thousand merk in full and compleit payment of the precept within wryttin, as for the manteanance and alliament of the said Countes, being alsweill for her Ladyships breiding, education and learning, as for all other necessars that may conceirne her Ladyships person in ane honorabill way according to her estate and qualitie, as is particularlie within specified, and that for the space of ane yeare, viz., from the terme of Whitsonday last bypast to the terme of Whitsonday nixtocome in this present yeare j^{m} vj^{c} sixtie and two, wherof we doe heirby discharge the said noble Countes and her tutors for now and ever: In witnes wherof we have subscryved thir presents at Wemyss, the sexth day of March, the yeare of God j^{m} vj^{c} sixtie and two, before these witneses, James Carsuell, John Arnott, and Johne Hutchesone, insertor off the dait and witnesse, servitor to the said Erle off Wemyss.

WEMYSS.

J. Carsuell, wittnes. MARGARET LESLIE.
J. Hutchesone, wittnes.

247. THE WILL of DAVID SCOTT, only brother-german to FRANCIS EARL OF BUCCLEUCH. 7th August 1666.

THE Testament Dative and Inventar off the goods, gear, sowmes of moneyes and debts perteaning to vmquhill David Scott, only brother german to the deceast Frances Earle off Buccleuch, and second laufull sone to vmquhill Walter Earle of Buccleuch, the tyme off his decease, who deceast in the month off i^{m} vj^{c} 1 yeirs, Faithfullie mad and given vpe be Ladie

Jean Scott, Countes of Tuaiddell, sister german to the said vmquhill David Scott, and only executrix dative decerned as neirest off kin to him, by decreit of the Commissars off Edinburgh, as the samen of the dait att Edinburgh, the sevint day of August i^m vj^c thrie score sex yeers, in it selfe at more lenth proports.

In the First, the said vmquhill David Scott had perteaning and belonging to him the tyme off his decease forsaid, as one of the four bairnes (by the air) off the said vmquhill Walter Earle off Buccleuch, quhilk fell to him be decease off the said vmquhill Walter his father, the sowme of fourtie seven thowsand ane hundreth thrie scor fyve pund four shilling thrie penyes Scots money, as being the just and equall fourt pairt off the sowme off ane hundreth four score and aught thowsand sex hundreth thrie score pund, seventein shilling Scotis money forsaid, off frie gear given vpe and confermed in the principall testament testamentar off the said vmquhill Walter Earle off Buccleugh, his father, be the said deceased Frances Earle off Buccleuch, his brother and only executor nominat and confermed in the said testament; and sicklyk the said vmquhill David Scott had perteaning to him the tyme off his decease abonewritten, as one of the said four bairnes (by the air) off the said vmquhill Walter Earle off Buccleugh, his father, the sowme off thrie thowsand fyve hundreth and fyve pund, seventein shilling, fyve penyes Scotis money forsaid, as being the just and equall fourt pairt off the sowme off fourtein thowsand tuentie thrie pund, nyne shilling, aught penyes money forsaid, falling to him be decease off the said vmquhill noble Earle, his father, and conteaned in ane eik mad to the principall confermed testament testamentar abonewritten be the said deceased Frances Earle off Buccleugh, only executor testamentar nominat and confermed therin, as is abowespecifiet: and in lykmaner ther perteaned and belonged to the said vmquhill David Scott the tyme off his decease forsaid the sowme off eleaven thowsand seven hundreth four score eleven pund, sex shilling, as being the just and equall fourt part off the sowme off fourtie seven thowsand ane hundreth thrie score fyve pund, four shilling, thrie penyes, money forsaid; and quhilk sowme off fourtie seven thowsand ane hundreth thrie score fyve pund, four shilling, thrie penyes, is the just and equall fourt pairt off the abonewritten sowme of ane hundreth four score and aught thowsand sex hundreth and thrie score pund, seventein shilling money off frie gear, given vpe and confermed in the testament testamentar off the said vmquhill Walter Earle off Buccleugh be the said deceast Frances Earle off Buccleuch, executor nominat and confermed therin, and quhich fourt off the said frie gear conteaned in the said testament fell and ap-

perteaned to the deceast Ladie Marie Scott, wha wes ane wther off the four lawfull bairnes off the said vmquhill Walter Earle off Buccleugh (by the air), and consequently the fourt pairt of the said fourt pairt, extending to the said sowme of eleven thowsand seven hundreth four score eleven pund, sex shilling, accreassed and apperteaned to the said vmquhill David Scott, hir brother, the said vmquhill Ladie Marie Scott having deceased befor the said vmquhill David Scott be the space off yeirs, and which now accreass to the said Ladie Jean Scott, Countess off Tuaiddell, be the decease off the said vmquhill David, hir brother, wha had right therwnto, in maner forsaid: And siklyk ther fell and apperteaned to the said vmquhill David Scott, be decease off the said vmquhill Ladie Marie Scott, his said sister, the sowme of aught hundreth thrie score sextein pund, nyne shilling four penyes Scotis, as being the just and equall fourt pairt off the sowme off thrie thowsand fyve hundreth and fyve pund, seventein shilling, fyve penyes; quhilk sowme off thrie thowsand fyve hundreth and fyve pund, seventein shilling, fyve penyes is the just and equall fourt pairt off the forsaid sowme off fourtein thowsand and tuentie thrie pund, nyne shilling, aught penyes conteaned in the forsaid eik mad to the principall confermed testament testamentar off the said vmquhill Walter Earle off Buccleuch, quherintill the said vmquhill Frances Earle of Buccleuch is executor, as said is, and wherwnto the said deceast David Scott had wndoubtit right be the decease off the said vmquhill Ladie Marie Scott, in maner forsaid, and consequently now accreass, perteanes, and belonges to the said Ladie Jean Scott, Countes of Tuaidel, be the decease off the said vmquhill David, her said brother, to whom shoe is executrix in maner abonewritten.

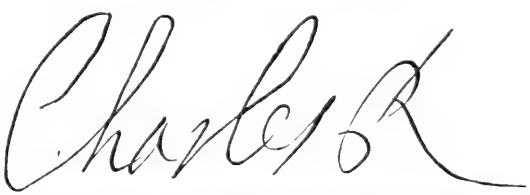
Summa off the Inventar, . . lxiii^{m} iii^{c} xxxviii lb. xvii s.

No Division.

MAISTERIS DAVID FALCONAR, Harie Foulis, John Wishart, and James Aikinhead, Commissars off Edinburgh, specially constitut for confermatione of testamentis, wnderstanding that efter dew and laufull sumonding mad be publick forme of edik expeid as effeirs, off the executouris and intromittours with the goods and gear off the said vmquhill David Scott, and all wtheris havand, or pretendand to have, enteress in the said matter, to have compeired before us judicially, at ane certaine day bypast, to have hard and sein executours datives decerned, given in, admitted, and confermed be us in and to all and sundrie goods, gear, and wthers abowspecifiet, quhilk justly perteaned and wes adebted and restand awand to the said vmquhill defunct the tyme of his deceas abonewrittin, or ellis to alledge ane

resonable caus why we decerned therintill, as our decreet given theranent beares: conforme to the quhilk we, in our soveraine Lords name, auctoritie, and oures, makis, constituts, ordaines, and confermes the said Ladie Jeane Scott, Countess off Tuaiddell, in only executrix dative, as neirest of kin to the said vmquhill David Scott, hir said brother, with full power to hir to intromitt with, vplift, call, follow, and persew for, as law will, the goods, gear, debts, and wtheris abowspecifiet, and to ingather the samen, and therwith to outred debtis to creditours, and generally all and sundrie wther thinges to doe, vse, and exerce that to the office off executrie dative is knowen to perteane: Provyding allwayes the said Ladie Jeane Scott, executrix forsaid, render just compt off hir intromissione, when and wher the samen sall be requyred be us off hir theranent; wherwpon, and that the goods, gear, debtis, and wthers abowementionat sall be frie and furthcomand to all perties havand enteres therto as law will, quhairwpone Alexander Todrig, servitour to the Erle of Tueddell became cautioune, as ane act mad theranent beares. In witnes quheroff thir presents ar subscryved be Mr. Harie Hay, clerk of the said Commissariott, [and] the seall of office is heirwnto affixtt, att Edinburgh, the nynt day off August ane thowsand sex hundreth thrie score and sex yeris. H. HAY.

248. COMMISSION by KING CHARLES THE SECOND to JAMES DUKE OF BUCCLEUCH AND MONMOUTH to be Colonel of a Foot Regiment of Militia. 2d December 1669.



CHARLES the Second, by the grace of God King of Scotland, England, France, and Ireland, Defender of the Faith, etc., to our right trusty and right entirely beloved sonne, James Duke of Buccleuch and Monmouth, greeteing: Wee, reposeing speciall trust and confidence in your loyalty, courage, and good conduct, have thought fitt, and do hereby constitute and appoint yow to be colonell of a regiment of foote, within the shires of Roxbrugh and Selkirk, of the militia, appointed to be raised by the 25th Act of the third session of our late Parliament of Scotland, for our service. Yow are therefore to take into your charge and care the said regiment as colonell thereof, and duely to exercise the same in armes, both officers and

souldiers, and to keep them in good order and discipline; and wee do hereby comand them to obey yow as their colonell, and your selfe punctually to observe such orders and directions as yow shall from time to time receive from vs, our Privy Councell of that our kingdome, or from such generall officers as wee shall appoint, according to the discipline of warre, in pursuance of the trust wee repose in yow. Given at our Court at Whitehall, the second day of December 1669, and of our reigne the 21 yeare.

By his Majesties command,

249. Confirmation by King Charles the Second, of the renunciation by William Earl of Morton, of the title of Lord Dalkeith. 11th September 1672.

At Edinburgh, the elevent day of September, one thousand sex hundreth seventie tuo yeers, our soverane lord, with advice and consent of the estates of Parliament, does ratifie and approve ane renunciation made and granted be William Earle of Mortoun to and in favours of James Duke of Buccleuch and Monmouth, wherby the said Earle, for himselft, and Charles Lord Aberdour, his sonne, and thair aires and successours, does renunce the tytle and designation of Lord Dalkeith in all tyme comeing, beareing date at Halyrudehous, the nynt day of September, one thousand sex hundreth seventie tuo yeers, in the whole heids, clauses, and articles of the same, and declares this generall present ratification to be als valeid and effectuall as if the said renunciation wer heirin particularly insert; wheranent his Maiestie, with advice and consent forsaid, hath dispensed and heirby dispenses for ever: Lykas his Maiestie, with advice and consent forsaid, statutes and ordaines that the said renunciation and this present ratification therof is and shall be ane valeid and effectuall right for denudeing the said Earle of Mortoun, his sone, and their forsaids, of the said tytle and designation of Lord Dalkeith in all tyme comeing. Extracted furth of the records of Parliament be me, Sir Archibald Primerose of Carinton, knight and barronet, clerk to his Maiesties Councill Registers and Rolls. A. Primerose, Cls. Reg.

250. WARRANT by KING JAMES THE SEVENTH for a Commission of the office of bailie of the regality of Hawick in favour of WALTER SCOTT of Altone. 22d October 1686.

OUR soveraigne lord considering that the office and jurisdiction of baillie of the regalitie of Hawick is fallen in his Majesty's hands, through Anna Duchesse of Buccleugh and Monmouth, late heretable baillie thereof, her not taking the test appointed by the sixth Act of his Majesty's dearest brother, King Charles the Second, of ever blessed memory, his fourth Parliament, in due time, as is thereby ordained: And his Majesty being fully satisfied with the loyalty, fidelity, and good qualifications of Walter Scott of Altone for performing that charge, doth hereby ordaine a letter of gift to be past and exped under his Majesty's Great Seale of his ancient kingdome of Scotland, giving and granting unto the said Walter Scott the office of baillie within the said regality of Hawick, and that during his Majesty's pleasure only; with the haill profits, emoluments, and casualities belonging thereto, with power unto him to nominate and appoint deputs and substitutes in the said office (for whom he is to be answerable), and all other members of Court needfull: Providing alwayes, likeas by the acceptation of this commission the said Walter Scott is to be answerable for the uplifting, compting for, and making payment unto the Commissioners of the Treasury and Lords of Exchequer, Treasurer Principall or Treasurer Deput of the few duties, retoures, and blench duties and other duties and casualities belonging to his Majesty, formerly, and now used and accustomed to be uplifted, compted for and paid, and performing the other duties and services that the baillies of regalities are obliged to by the laws of the said kingdome, and the nature and duty of their offices. Promising to hold firm and stable all and whatsoever things the said Walter Scott, his deputs or substitutes, shall lawfully doe in the exercise of the said office, and ordaining a letter and commission to be exped hereupon under the Great Seale per saltum, without necessity of passing any other of the seales. Given at the Court at Whitehall, the 22d day of October 1686, and of his Majesty's reigne the 2d year.

May it please your Majesty,—

THESE contain your Majesty's warrant for a letter of gift to be past under your

Great Seale of your ancient kingdome of Scotland, giving and granting unto Walter Scott of Altone the office of baillie within the regality of Hawick during your royall pleasure only, with the haill profits, emoluments, and casualities belonging thereunto, together with power unto him to nominate and appoint deputs and substitutes in the said office (for whom he shalbe answerable), and all other members of court needfull; providing alwayes likeas by the acceptation of this commission, the said Walter Scott is to be answerable for the uplifting, compting for, and making payment unto the Commissioners of the Treasury and Lords of Exchequer, the Treasurer Principall or Treasurer Deput of the few duties, retoures, and blench duties and other duties and casualities belonging to your Majesty formerly, and now used and accustomed to be uplifted, compted for, and paid, and performing the other duties and services that the baillies of regalities are obliged unto by the laws of your said kingdome, and the nature and duty of their offices.

mulfort

251. Nomination by King William the Third of the Privy-Council of Scotland. 3d June 1690.

A List of the Persons whose names are to be inserted in the Commission which is to be granted by us to our Privy Councell of our ancient kingdom of Scotland.

William R.

Our brother in law, Prince George, Hereditary Prince of Denmark.
George Earle of Melvill, our Commissioner and sole Secretary of State for that our kingdom.
William Duke of Hamilton.
James Marquesse of Douglass.
James Earle of Drumlanrig.
Archibald Earle of Argile.

William Earle of Crawfurd.
John Earle of Erroll.
George Earle of Marshall.
George Earle of Sutherland.
James Earle of Morton.
Alexander Earle of Eglingtoun.
John Earle of Cassells.
Robert Earle of Lothian.
David Earle of Leven.
Archibald Earle of Forfar.
John Earle of Kintore.
James Viscount of Stair.
Lord Strathnaver.
Alexander Lord Raith, our Treasurer Deput.
Henry Lord Cardross.
John Lord Carmichaell.
David Lord Ruthven.
John Lord Balhaven.
John Master of Stair, our Advocate.
Master of Forbes.
Robert Master of Burleigh.
Sir John Maitland of Revelrig.
Sir John Lauder of Fountainhall.
Sir Colin Campbell of Aberuchell.
Sir Patrick Home of Polwart.
The Laird of Grant.
Sir Archibald Murray of Blackbarony.
Sir John Maxwell of Pollock.
Sir Robert St. Clare of Stephenson.
Sir Thomas Burnet of Leyes.
Sir George Monro.
The Laird of Brodie.
Major Generall Mackay.
The Provost of Edinburgh for the time being.

Given under our Royall hand, at our Court at Kensingtoun, the 3rd day of June 1690, and of our reign the second year.

252. PATENT by QUEEN ANNE, conferring on LORD HENRY SCOTT, son of Anne Duchess of Buccleuch, the titles of EARL OF DELORAINE, VISCOUNT OF HERMITAGE, and LORD GOLDILANDS. 29th March 1706.

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina, Fideique Defensor, omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint salutem: Quandoquidem nos regio nostro animo perpendentes præclara et fidelia admodum servitia per fidelissimum et dilectissimum nostrum dominum Henricum Scott filium confisæ et prædilectæ nostræ consanguineæ Annæ Ducissæ de Buccleugh præstita, atque zelum ejus et affectum erga nostram personam et regimen per eum omnibus occasionibus expressum; ob hasce igitur et perplurimas alias magni momenti causas et considerationes quendam regiæ nostræ favoris insignem et durabilem characterem in eundem dominum Henricum Scott ejusque hæredes subtusmentionatos conferre benigne statuimus, quo vero ille illique majoris momenti officia ex omni occasione nobis nostrisque successoribus præstare in futurum magis animentur et excitentur: Noveritis igitur nos fecisse, constituisse et creasse, sicuti tenore præsentium facimus, constituimus et creamus dictum dominum Henricum Scott comitem, vicecomitem et liberi Parliamenti dominum in antiquo regno nostro Scotiæ, COMITEM DE DELORAINE, VICECOMITEM DE HERMITAGE ET DOMINUM GOLDILANDS omni tempore futuro appellandum et designandum, dando, concedendo et conferendo in præfatum dominum Henricum Scott et hæredes masculos de suo corpore legitime procreandos, titulum, honorem, ordinem, gradum et dignitatem comitis, vicecomitis et liberi Parliamenti domini, ut prædicitur, cum plena potestate commissione et authoritate illi ejusque prædictis eodem possidendi et gaudendi cum omnibus et singulis prærogativis, præheminentiis, præcedentiis et privilegiis eo attinentibus quibuscum tenore præsentium, eundem dominum Henricum Scott ejusque prædictos, speciatim vero cum libero suffragio Parliamenti investimus et nobilitamus: Tenendum prædictum titulum, honorem, ordinem, gradum et dignitatem comitis, vicecomitis et liberi Parliamenti domini cum omnibus prærogativis, præcedentiis et privilegiis eo spectantibus per dictum dominum Henricum Scott ejusque prædictos de nobis nostrisque regiis successoribus in omnibus Parliamentis, ordinum conventibus, conciliis generalibus aliisque publicis et privatis congressibus in dicto regno, tam plenarie, adeoque libere in quovis respectu, ac quivis alius comes, vicecomes et liberi Parliamenti dominus simili titulo honore et dignitate cum omnibus privilegiis aliisque eo spectantibus perprius gavisus est, seu quovis tempore præterito, præsenti vel futuro potiri poterit:

Leoni porro Armorum Regi ejusque fratribus fæcialibus imperamus ut præfato domino Henrico Scott nunc comiti de Deloraine talia prioribus insigniis ejus gentilitiis additamenta qualia hac occasione convenientia et apta videbuntur dent et præscribant: Declarando et ordinando hasce nostras patentes literas magno nostro sigillo munitas adeo validas et efficaces fore dicto domino Henrico Scott ejusque antedictis pro possidendo prædicto titulo, honore et dignitate, ac si ille ejusque prædicti omnibus ritibus et solennitatibus similibus occasionibus perprius usitatis investiti et inaugurati essent: Quocirca dispensavimus perque præsentes in perpetuum dispensamus: In cujus rei testimonium præsentibus magnum sigillum nostrum appendi mandavimus: Apud Aulam nostram Castri de Windsoir vigesimo nono die mensis Martii anno Domini millesimo septingentesimo sexto et anno regni nostri quinto.

Per signaturam manu supremæ dominæ nostræ Reginæ suprascriptam.

Dorso—Written to the great seall and registrat the sixtein day of Aprile 1706.

CHARLES KERR.

Sealed att Edinburgh, the seventeenth day of Apryle, ane thousand seven hundereth and six years, in absence of Sir Alexander Ogilvie of Forglen,

JO. STEWART, Dept.

253. THE WILL of ANN DUCHESS of BUCCLEUCH, in favour of FRANCIS EARL OF DALKEITH, her grandson, of her whole estate in Scotland. 16th March 1722-3.

IN the name of God, amen: We, Ann Dutchess of Buccleuch, being for the present (by the blessing of God) in health of body and of sound mind, yet considering the certanty of death and the uncertainty of the time thereof, and conceiving it very fit so to order our affairs in our own time, as that all differences which might fall out thereanent after our decease may be obviated and prevented, we do therefore make our latter will and testament as to our affairs and personal estate in Scotland, as follows, viz.,—In the first place, we nominate and appoint our grandson, Francis Earl of Dalkeith, to be our sole executor, universal legator, and intromitter with our whole moveable and personal estate in Scotland, pertaining to us there at the time of our decease and falling under testament there, to whom we leave and dispone all our said moveable and personal estate in Scotland, to be used and disposed of at his pleasure: And we do hereby burden the said office of executry and universall legacy with the payment of our funerall

expenses and of all the debts we shall be owing at the time of our decease, either in Scotland or England, and with the burden of the payment of the legacy aftermentioned to our daughter, Lady Isabella Scott, in the first place, and after the payment of our said funeral charges and debts and legacie to the said Lady Isabella Scott: Then we burden the said office of executry and universall legacy with the payment of our legacies aftermentioned; and whereas we, by our last will and testament in England, as to all our personal estate there, have nominated and appointed the said Lady Isabella Scott our sole executrix in England, and have devised to her all our personal estate, goods, and chattels in England, exempt from the payment of our funeral charges or any of our debts whatsoever; we do hereby direct that our executor in Scotland shall pay all our debts, whether owing in England or Scotland; and in case the said Lady Isabella Scott shall be obliged to pay or make satisfaction for any of our debts, then it is our will that she shall stand in the place of such creditors as to what she shall so pay, and shall be reimbursed and receive satisfaction for the same out of our personal estate in Scotland, which is hereby burdened with the payment thereof: Item, we legate and leave to Henrietta Countess of Dalkeith, our much beloved and esteem'd daughter, the sum of one thousand pounds sterling: Item, we legate and leave to the said Lady Isabella Scott the sum of three hundred pounds sterling for her mournings, and that over and above whatever is devised to her by our will in England; Item, we legate and leave to Henry Earl of Delorain, our son, the sum of five pounds sterling, which is all we leave him now because of his being formerly provided to twenty thousand pounds sterling, conform to the bond of provision granted by us to him, of which twenty thousand pounds and all the interest due thereon he hath receiv'd payment, and discharged the same, and all he can ask or crave any manner of way by and through our decease; Item, we legate and leave one hundred pounds sterling to be distributed amongst the poor of the parish of Dalkeith by our baillie of regality of Dalkeith and the minister of the said parish for the time, to whom we appoint the said legacy to be paid in by our said executor, and declare that the said baillie nor minister shall not be holden to give any legal instruction how the same was distributed: and whereas we have, by a will in relation to our personal estate in England, appointed the Right Honorable William Lord Berkeley and the Right Honorable Charles Lord Cornwallis, overseers of our will in England, desiring them to give their best advice to our executrix by that will named, we do hereby legate and leave to the said William Lord Berkeley and Charles Lord Cornwallis the sum

of five hundred pounds sterling each: Item, we leave to each of our domestick servants, who shall be in our actual service the time of our decease, one full year's fee according to their respective fees, and that by and attour their mournings, and what bygone fees shall be resting to them at the first term of Whitsunday or Martinmass after our decease; and we do hereby direct that all the above legacies shall be paid in twelve months after our decease; and in case there shall be any residue of our personal estate in Scotland after payment of our debts and legacies before mentioned, then we burden the said office of executry and universal legacy with the payment of the sum of fifteen thousand pounds sterling and annualrents thereof, as the same is secured by an heritable bond of provision, granted by us to Lady Charlott Scott, our grandchild, of the date the eight day of June one thousand seven hundred and nineteen years, in the terms and conform to the tennor of the said bond, which are all holden as herein expressed and repeated, declaring that this is no ways intended to alter, innovate, or infringe the said bond, but as an additional security for the payment of the sums of money therein contain'd; and further, in case the said Francis Earl of Dalkeith shall not validly and lawfully accept of the said office of executry, with the burdens herein mentioned and before set down, within year and day after our decease, then and in that case we hereby declare that the foresaid nomination in favours of the said Francis Earl of Dalkeith shall cease and become void, as if it never had been made, and we hereby, now as then, and then as now, nominate and appoint the said Lady Charlott Scott to be our sole executrix, universal legatrix, and intromissatrix with our said whole moveable or personal estate in Scotland pertaining to us there at the time of our decease, with and under the burdens and subject to the payment of our debts and legacies before mentioned, in the way and manner above expressed: declaring always, that whatever the said Lady Charlott Scott shall (by virtue of the executry aforesaid) receive over and above and after the payment of our funeral charges, legacies, debts, and all expences she shall be put to, is to be imputed and taken to be in satisfaction of so much of her said bond of fifteen thousand pounds and annualrent thereof; and lastly, we hereby appoint our body to be interred in our burial-place within the Church of Dalkeith, whensoever it shall please God to call us out of this mortal life, and that our burial be after the privatest manner betwixt ten and twelve at night, and that none be present thereat except such of our grandchildren as shall be within Scotland, and some few of our nearest relations and friends, who shall be in or near about Edinburgh for the time, and our said domestick servants. And we do hereby declare that this will, relating only to our per-

sonal estate in Scotland, shall not import any revocation of any will made in relation to our estate in England, but that our will in relation to our estate in England shall subsist and continue in force notwithstanding hereof, and this our latter will and testament for Scotland we notifie and make known to all and sundry whom it effeirs. In witness whereof these presents, being wrote by Patrick Leslie, eldest son of Mr. George Leslie, advocate, our secretary, we, the said Ann Dutchess of Buccleuch (as to our affairs in Scotland), have, to three parts of this our last will and testament (being all three of one date, tenor, and contents, and duplicates of each other for the better preservation thereof), severally sett our hand and seall to the same, at Westminster, this sixtenth day of March, one thousand seven hundred and twenty $\frac{\text{two}}{\text{three}}$ years, before these witnesses, the Honorable William Fraiser, Esquire, son of William Lord Salton, deceased, the said Mr. George Leslie, Charles Steward, and Nicholas Meebourne, our servants, and the said Patrick Leslie, writer hereof.

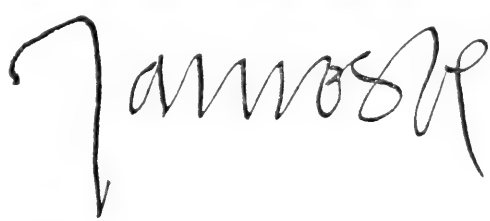
Will. Fraser, witness.
Cha. Steward, witness.
Nics. Meebourne, witness.
Geo. Leslie, witness.
Pat. Leslie, witness.

CORRESPONDENCE.

254. LETTER by KING JAMES THE FIFTH, continuing the calling of the Summons of Treason against WALTER SCOTT of Branxholm, knight, and others. 12th November 1526.

REX.

LORDIS OF OURE PARLIAMENT AND CONSELL,—It is oure will, and for certane resonabill caussis and consideracions moving ws, ze continew the callyng of the summondis of tresone maid vpoun Valter Scot of Branxhelme, knycht, Jhone Cranstoun of that Ilk, Valter Scot of Syntoun, thair assistaris and complices dependand one thaim, wnto the xviij day of Januer nixt to cum eftir the day of the dait herof, and quhill we be present in propir persoune at the calling thairof, and continewis the sammyn be thir presentis duryng the said space; and in the meyntym, we superced and respeitis thaim, in the law and by the law, for thair tresonabill cumming aganys ws and oure lieutenentis and folkis at Melros and Linlithgw, and for all othir actioun and crymez commyttit or done be thaim in tymys bygane wnto the day and dait herof: dischargyng zou of all calling of the saidis summondis, and of accusatioun or trubling of the saidis personis and thair complices saidis for the saidis crymez, and of zoure office in that part duryng the said space, be thir oure letteris subscrivit with our hand, at Edynburgh, the xij day of Nouember, the zer of God j^{m}v^{c}xxvj zeris, and of oure regne the xiiij zeyr.



255. CHARGE by KING JAMES THE FIFTH to ARCHIBALD EARL OF ANGUS and others, not to make raids upon SIR WALTER SCOTT of Branxholm, etc. 8th March [1526-7].

REX.

WE VNDERSTAND that our louit, Walter Scot of Branxelm, knycht, Johne Cranstoun of that Ilk, Walter Scot in Syntoun, and all thair kyn, frendis, and parte takaris, ar vnder our speciale respeit, grantit to thame of before be our vther letteris, quhill Alhallomes nixt to cum, or thairby, to endure, and will that the samyn be obseruit to thame in all poyntis; and thairfore chargis our cousingis, Archibald Erle of Angus, James Erle of Arrane, Malcome Lord Fleming, James Hamiltoun of Fynnart, knycht, Andro Ker of Farnyherst, and all vtheris oure liegis, that nane of thame tak vpon hand to mak ony oisting or radis vpon the saidis Walter Scot, Johne Cranstoun, and Walter Scot, or any vtheris thair frendis, seruandis, or parte takaris, during the tyme of our said respeit, or to do ony thing incontrare thairof, vnder the pane of tresoun, the saidis Walter, Johne, and Walter kepand gude rewill in tyme cuming. And gif any of thair frendis, seruandis, or parte takaris happynnis to commit any slauchteris or vthir grete crymez within the tyme of our said respeit, it salbe leifsum to ryde vpon thame that committis the saidis crymez, or journay thame to the law for the samyn, without preiudice to the said Walter, his frendis or seruandis that kepis gude rewill and makis na falt. Subscriuit with our hand and vnder our signete, at Edinburgh, the viij day of Marche, and of our regnne the xiiij zeire.

[Executions indorsed.]

256. LETTER by KING JAMES THE FIFTH against molesting the LAIRD OF BUCCLEUCH. 20th June 1527.

APUD Melros, xx° Junij, anno, etc., xxvij°: We do to zoue to wit, that the Lard of Bukcleuch and his frendis hes aggreit wyth the Kingis Grace and Lordis

of Counsall: Tharfor that na man trubill nor inquiet the Lard of Bukcleuch, his kin, frendis, tenentis, and seruandis, or thair gudis, in ony wis, vndir the pane of thair lyfis and refunding of the skath; and that all maner of man of this present oist be reddy at ane houre eftir none to move fordwart, and ly this nycht awest the toun of the Camis in the Newlandis besid Altoun, to pas vpone the thevis of Liddisdalle.

Copia principalis litere suprascripte manu S. D. N. Regis. Ita est, Magister Johannes Chepman, notarius publicus, etc.

257. LETTER by KING JAMES THE FIFTH, appointing WALTER SCOTT of Branxhame, knight, his principal "Copper" (Cupbearer). 1527.

JAMES, be the grace of God, King of Scottis, to all and sindry our liegis and subdittis quhom it efferis, quhais knawlege thir our letteris sal cum, greting: Wit ze ws to haue maid, constitute, and ordanit, and, be thir our letteris, makis, constitutis, and ordanis our familiar seruitour, Waltir Scot of Branxhame, knycht, our copper principall, for all the dais of his lif, wyth power to mak deputtis in the said office, honest and convenient, to serve in his absence; the terme of his entres thairto is at the day of the dait heirof: Admittand the sam for lauchfull possessioun, nochwithstanding that the said Waltir, at our plesour, and for certane ressonable causis mowing ws, excercis nocht the said office now; howbeit he ma excerce the sam presentlie or quhat tym he best pleis, he havand thairfor feis and dewiteis vsit and heid of befor, eftir the forme of our Chakker Rollis: Ordaning our thesawrer now present, and at salbe for the tym, thankfully to ansuer and obey to hym in the thankfull payment of his feis and dewiteis for the sam office: Ordanyng alsua the auditouris of our chekker that salbe for the tym thankfully till allow the sam; and thir our letteris anis to be schewin apone thair comptis to be sufficient in all tym thaireftir during his lif: To be haldin and heid the said office of copper to the said Waltir Scot, wyth all feis and proffittis thairof, during his liftyme, of ws and our successouris, wyth all fredomis pertenyng thairto: Quharfor we command and charge zow, all and sindry our liegis and subdittis forsaid, that nane of zow tak apone hand to mak stop, let, or impediment to the said Waltir, our copper forsaid, or his deputtis convenient thairto, in the vsing, brouking, joising, and excercing of the said office during all the dais of his lif,

vnder all the hieast pane and charge that ze or ony of zow may inryne agane our Maieste in that part, be thir our letteris. Gevin vnder our prevy Seill, at , the day of , the zeir of God j^{m}v^{c}xxvij zeris, and of our regne the xv zeir.

JAMES R.

258. LETTER by KING JAMES THE FIFTH to JOHN ABBOT OF JEDBURGH, requiring him to permit WALTER SCOTT of Branxholm, knight, to possess the Teinds of Ednem. 5th September [1530].

REX.

VENERABLE FADER IN GOD, we grete zow weill: Forsamekill as the tyme we causit zou to gett takkis of the frutis of oure Abbay of Coldinghame ze promittit to sett takkis to oure louit Walter Scott of Branxhelm, knicht, of the teyndis of Ednem, and to suffer him to brouke the samin peciablie, as he was wont to do in tymes bigane. Oure will is heirfore, and we pray zou richt effectuuslie, and als requiris and chargeis that ze on na wise intromett with the saidis teyndis, dischargeing zou thairof, and suffer the said Walter to brouke the samyn as he did of befoir according to youre said promitt, as ze will haue speciale thank of ws thairfore, and do ws singlare emplesoure, and ansuere to ws thairupoun, and eschew oure vter displesoure and indignatioun. Subscriuit with oure hand at Linlithgw, the fift day of September, and of oure regnne the xvij zeir.

Venerabili in Christo patri, Johanni abbati monasterij nostri de Jedburgh.

259. COMMISSION by KING JAMES THE FIFTH to WALTER KER of Cesfurd, WALTER SCOTT of Branxhelm, knight, and others, to apprehend CLEM CROSAR and others. 2d July [1532].

REX.

WEILBELOUIT FRENDIS, we greit zou wele: Forsamekle as we ar informit that Clemme Crosar, Martine Crosar, Hobbe Elwald of Ramsegill, Symme Forestar, Johny Forestar, and thair complices, inhabitaris of Liddalisdale, hes laitlie slane Thomas Dalglesche and Adam Turnbull, and maid diuers greit heirschippis vpon our pouer liegis within the boundis of Teviotdale: Oure will is herefore, and we charge zow straitlie and commandis that, incontinent, thir oure letteris sene, ze serche and seik the saidis personis and thair complices, committaris of the saidis crymez, quhair euir thai may be apprehendit, and tak and bring thame to oure lawis to be punyst for thair demeritis as ze will ansuer to ws thairupoun; and gif it happynnis ony of thame to be mutilate or slane, or fire to be rasit in taking of thame, we will and grantis that ze and the committaris thairof being with zow in cumpany, or of zoure command, sall incur na skaith nor danger thairthrow, in zoure or thair personis, landis, or gudis in ony wise in tyme cuming; and that it salbe impute na cryme nor falt to zow and thame: Dischargeing our Justice, Justice Clerk, and all vtheris our officiaris, present and to cum, and thair deputis, of all accusatioun, trubling, and intrometting with zow and thame, zoure or thair landis or gudis thairfor, and of thair offices in that parte, be thir our letteris for euir. Subscriuit with oure hand, at Edinburgh, the secund day of Julii, and of our regnne the xix zere. JAMES R.

To oure weilbelouit freindis, Walter Ker of Cesfurd, Walter Scot of Branxhelm, knycht, Andro Ker of Farnihirst, and Mark Ker of Dolphinstoun, etc.

260. LETTER by KING JAMES THE FIFTH to WALTER SCOTT of Branxhelm, knight, requiring him to wait on his Majesty at Edinburgh. 28th November [1542].

REX.

WEIL belouit, we grete zow weill: Forsamekle as we haue certane besines ado with zow quhilk requiris zour presens, it is our will, and we charge zow that incontinent eftir the sicht hereof, ze with all gudely diligence addres zow towart

ws to Edinburgh, quhair ze sall knaw our mynd at lenth at zour cuming, nochtwithstanding zour warding and bandis fundin in this cais, kepand thir presentis for zour warant. Subscriuit with our hand and vndir our signete, at Edinburgh, the xxviii day of November, and of oure regnne the xxx^{ti} zeire. The souerteis standand for zour entre agane quhen ze be requirit thairto.

JAMES R.

To oure weil belouit Walter Scot of Branxhelm, knycht, etc.

261. LICENCE by MARY QUEEN OF SCOTS to SIR WALTER SCOTT of Branxholm, allowing him to hold Communication with Englishmen. 11th January 1542-3.

REGINA.

WE, for diuers caussis and considerationis moving ws, be the tenour heirof, grantis and giffis fredome and licence to oure louit Schir Walter Scot of Branxhelm, knycht, to intercommoun and speke with Inglismen, alswele in tyme of weir as peace, within oure realme or outwith, as oft as he pleissis, be nycht or day, for moyance and gude wayis to be maid and gottin with the saidis Inglismen for the wele of this oure realme, defens of the samyn, and resisting of oure inymyis of Ingland; and will and grantis that he sall nocht be callit, accusit, nor incur ony danger or skath thairthrow in his persoun, landis, nor gudis in onywise in tyme cuming, nor zit his freindis and seruandis being in his cumpany, nochtwithstanding ony our actis, statutis, letteris, proclamationis, or chargeis, speciale or generale, maid or to be maid in the contrare, or ony panis contenit thairintil. Anent the quhilkis we dispens with him and thame be thir our letteris, dischargeyng all and sindrie our lieutenentis, wardanis, iustices, iustice clerkis, schireffis, stewartis, crowneris, and all vthiris oure officiaris, present and to cum, and thair deputis, of all calling, accusing, arresting, processing, journaying, summonyng, chargeing, poynding, trubling, or intrometting with him or thame thairfore, and of thair offices in that parte for euir, be thir oure letteris, quhilkis we will for the space of fyve zeris nixt to cum eftir the day of the date heirof to indure, but ony revocatioun or agane calling quhatsumeuir. Gevin vndir our signete, and subscriuit be our cousing, James Erle of Arrane, our tutour, protectour, and gouernour of our realme, in oure name, at Edinburgh, the xi day of Januare, the zere of God j^{m}v^{c}xlii zeris, and of our regne the first zeir.

JAMES G.

262. LICENCE by MARY QUEEN OF SCOTS to SIR WALTER SCOTT of Branxhelm, knight, to intercommune with the PROTECTOR AND COUNCIL OF ENGLAND. 26th September 1547.

REGINA.

WE, vndirstanding that our derrest cousing and tutour, James Erle of Arrane, Lord Hammiltoun, etc., Protectour and Gouernour of our realme, grantit and gaif licence and command of before to our louit seruitour, Walter Scott of Branxhelm, knycht, to repaire and intercommoun with the Protectour of Ingland, army and Counsale thairof, than being within our realme, for saiftie and keping of him, his boundis, kin, freindis, men, tenentis, and seruandis, and thair gudis fra byrning, heirschip, and slauchter of the said army, for the commoun wele of our realme; quhilk licence and command we and our said Gouernour ratifiis, apprevis, and confirmis in all poynctis be thir presentis: And attour, be the tenour heirof, we, with his avis and consent, grantis and gevis fredome and licence of new to the said Walter, to repair and intercommoun with the said Protectour and Counsale of Ingland, and sic vtheris Inglismen as he pleissis, for saiftie of him, his kin, frendis, and seruandis, fra heirschip and distructioun of the Inglismen in tyme cuming, and for the commoun wele of oure realme, als oft as he sall think expedient. And gif the said Walter, his kin, frendis, or seruandis, hes intercommonit or tane assouerance of the saidis Inglismen, or subscriuit ony writingis to the Protectour of Ingland in ony tyme bigane, we and oure said Gouernour remittis and forgiffis the samyn to thaim, and all actioun, cryme, and pane that may follow thairupoun, or be impute to thaim or ony of thaim thairthrou, and dischargeis thaim thairof for euir be thir presentis; providing alwayis that he stand ane gude trew Scottisman, and be obedient to ws and our said Gouernour and our auctorite at all tymes, as he beis requirit, siclike as he hes bene in tymes bipast; and that he be him self, his kin, freindis, and seruandis, sall ryde, gang, and serue ws and our said Gouernour quhair we depute him in defens of our realme, invading, persewing, and resisting of our auld inymyis of Ingland; and quhen euir he beis requirit be ws or oure said Gouernour, sall incontinent thaireftir renunce and ourgif all bandis, contractis, and wrytingis maid be him to the Inglismen of before, and sall serue the auctorite lelelie and trewlie as ane trew Scottisman and subiect of this realme, and sall tak assouerance of new, gif neid beis, and will and grantis that he, his kin, frendis, and seruandis, sall nocht be callit, accusit, nor incur ony danger or skaith thairthrou, in thair personis, landis, nor gudis in ony wis in tyme

cuming, nochtwithstanding ony our actis, statutis, letteris, proclamationis, or chargeis, speciale or generale, maid or to be maid in the contrare, or ony panis contenit thairintill; anent the quhilkis we and our said Gouernour dispensis be thir presentis. Dischargeing all and sindry oure lieutenentis, wardanis, iustices, iustice clerkis, schereffis, stewartis, crowneris, and all vtheris our officiariis and schereffis in that parte, present and to cum, and thair deputis, of all calling, accusing, inditing, attacheing, arresting, processing, journaying, molesting, trubling, or intrometting with the said Walter, his kin, frendis, and seruandis, thair landis and gudis, thairfore, and of thair offices in that parte for euir be thir presentis, quhilkis we will indure, twiching the said assouerance to be tane, sen the departing of the said army furth of our realm, ay and quhill we and our said Gouernour discharge the samyn for that parte alanerlie, be our speciale writingis thairupoun. Gevin vndir our signet, and subscriuit be oure said Gouernour, at Edinburgh, the xxvi day of September, the zeir of God j^{m}v^{c}xlvij zeris, and of oure regnne the fyfte zere.

JAMES G.

263. ORDER by MARY QUEEN OF SCOTS for an Extract of the Assurance between the SCOTTS and KERS, to be given to DAME JONET BETOUN. 1564.

REGINA.

JUSTICE CLERK and zoure deputis, we grete zou wele: Forsamekle as we ar informit that in the moneth of May, the zeir of God j^{m}v^{c}lij zeris, assurance wes maid and takin betuix vmquhile Schir Walter Scott of Branxhelm, knycht, for him selff, his kin, freindis, and pairt-takeris, on that ane parte; and Walter Ker of Cesfurd, knycht, and vmquhile Johnne Ker of Phairnihirst, knycht, for thame selffis, thair kin, freindis, and pairt-takeiris, on the other parte, quhairby ather of thame assurit vtheris to haif beine vnhurt, vnharmit, and vntrublit bodelie vnto the Feist of Candilmes nixt thairefter, vnder the pane of ane pecuniall sovme, specifiit in the said assurance and Act maid the tyme of the taking thairof, to haif bene payit to ws and the partie on quhome the said assurance suld happin to be brokin, as ye Act maid thairupoun in the Bukis of oure Adiornall proportis: And that the saidis Walter Ker and vmquhile Johnne Ker of Phairnyhirst, knycht, be thame selffis, thair seruandis and complices, in the moneth of October, or thairby, nixt thairefter, slew the said vmquhile Schir Walter within the space appointid in the said assurance lang before the outrynnyng thairof, and swa

violat the same, incurrand thairthrow the pane contenit thairin; and that Dame Jonet Betoun, relict, Grissell, Jonet, and Margaret Scottis, lauchfull dochteris to the said vmquhile Schir Walter, and vtheris having interes, ar to persew thairfore. Quhairfore it is oure will, and we command zou, incontinent efter the sicht heirof, to extract and deliuer to thame the said assurance, and Act maid thairupoun in the saidis Bukis of oure Adiornall, in dew and auttentik forme as efferis, to the effect forsaid. Subscriuit with our hand, at , the day of 1564.

MARIE R

264. LETTER from MATTHEW EARL OF LENNOX, REGENT, to SIR JOHN WEMYSS of that Ilk. 12th October 1570.

RYCHT TRAIST FREYND,—Efter hertlie commendation: We desyre yow effectuuslie to keip Lancy Armstrang of Quhithauch, according to this vther lettre quhilk we haif heirwith send zow, and that ze send Dauid Johnnestoun of Staywod, now being in zour handes, to George Commendatar of Abirbrothok, with this vther lettre, quhome we haif appointit to ressaue the said Dauid of your handes. This we traist ye will not faill to do, as ze will do ws gude plasour. And sa committing zow to God. At Edinburgh, the xii of October 1570.

Your assured freind,

MATHEU REGENT.

To our richt traist freynd, the Lard of Wemyss.[1]

265. LETTER by KING JAMES THE SIXTH, dispensing with the Minority of WALTER SCOTT, son of SIR WALTER SCOTT of Branxholm, in serving his Brieves of Inquest. 29th May 1574.

JAMES, be the grace of God, King of Scottis, to oure schireffis of Berwik, Roxburgh, Selkirk, Peblis, and thair depuitis, and als to vtheris quhatsumeuer oure schireffis in that pairt of oure foirsaidis schirefdomes, and vtheris iuges and minister[is] of our lawis quhatsumeuer present and to cum, greting: Wit ze ws, with auis and consent of our darrest cousing, James erle of Mortoun, lord

[1] Original Letter at Wemyss Castle.

Dalkeith, regent to ws, our realme and lieges thairof, to haif dispensit, and be the tennour heirof dispensis with our louit Walter Scot, sone and appeirand air to vmquhile Schir Walter Scot of Brankisholme, knycht, vpoun his minoritie and les aige, to the effect that he may be enterit as air to his said vmquhile father, and als to vmquhile Dauid Scot his guidschiris bruther, and also to vmquhile Schir Waltir Scot of Brankisholme, knycht, his grandschir, be brevis of inqueist of oure chapell, to all landis, lordschippis, baroneis, officis, and annuelrentis, liand within oure said schirefdomes, or ony vtheris schirefdomes within our realme, in the quhilkis his said vmquhile father, guidschiris bruther and grandschir, or ony of thame, deceissit, last vestit, and sesit in, as off fie, at oure faith and peice or our predicessouris, and that sielik and als laufullye as the said Walter Scot wer now of the aige of xxi zeiris compleit, and that nochtwithstanding that he is zit of les aige, quhairupoun we dispens with him as said is; and in likmaner we dispens with zow, and with quhatsumeuir vtheris our iuges quhilkis sall happin to proceid to the seruice of the saidis brevis; and in likmaner we dispens with the persones of inqueist quhilkis sall happin to [be] electit and chosin to pas vpoun the inqueist for seruing of the saidis brevis; and we will that nowther ze nor nane of zow, nor na vtheris our iuges, nor the saidis personis of inqueist sall incur ony skaith or danger in ony wayis in seruing of the saidis brevis, nochtwithstanding the les aige of the said Walter Scott, quhairupoun we haif dispensit with him and zow, and with the saidis personis of inqueist, as said is. Heirfoir we dischairge our aduocattis and all vtheris iuges and ministeris of oure lawis, present and to cum, of all calling, accusing, proceiding aganis, molesting, and trubling of zow or ony of zow, be resoun of the seruice of the said Waltir Scot and his brevis foirsaidis in his les aige, quhairupoun we haif dispensit as said is be thir presentis. Gevin undir our signet, and subscriuit be oure said darrest Regent, at Dalkeith, the xxix day of Maij, and of oure regnne the sevint zeir, 1574.

266. LETTER from JAMES EARL OF MORTON, REGENT, to SIR DAVID WEMYSS. 4th October 1576.

RICHT TRAIST FREIND,—Efter our maist hertlie commendatioun: The tyme appointit for the change of the plegeis now approcheand, we haue presentlie directit sic as suld lowis the vtheris for thair brancheis now liand. Quhairfore we desire zow effectuuslie, and, in our Souerane Lordes name, commandis zow that ze ressaue the berar heirof, namyt Archie Armstrang, secund sone to the Lard of Quhithauch, as plege for the gang of Quhithauch; quhom ze sall surelie keip in firmance, vnletting him eschaip, eschew, pas hame, or ony wyse depart out of zour house and cumpany, vpoun licence, band, or ony vther pretens, quhill ze haue ane expres warrand and command of ws in write, sen thair is na souirtie for his remaining, as ze luif the quietnes of the cuntrie, and will ansuer vpoun zour perrell vnder the pane of twa thousand pundis contenit in the act maid anent the keping of the plegeis. And the said Archie Armestrang being thus enterit, that ze lett Rinzane Armstrang of Twedane, plege now remaining in zour custodie, to libertie and fredome, that he may pas hame at his pleasour: for quhilk this our lettere salbe to zow sufficient warrand. At Dalkeith, the fourt day of October 1576.

Zour assured freind,

JAMES REGENT.

To our richt traist freind, the Lard of Wester Wemyss.[1]

267. JAMES EARL OF MORTON, REGENT, to THE SAME. 7th August 1577.

RICHT TRAIST FREIND,—Efter our hertlie commendationes: We ressauit zour writing proporting that Ringan of Twedey wes letten to libertie, and Archie, sone to the Lard of Quhithauch, enterit plege to zow in his rowme, befoir the ressait of our last lettre. We remember it is sa indeid as ze write. Alwayes the occasioun of our writing proceidit on this, that we wer certifeit that sum of the Armstrangis, depending afoir on the Lord Maxwell, had begyn to be inobedient, and for that cause we wrait to all men that had the plegeis in keiping, to mak thame sure that the avowit fugitives suld be the wer accumpanyt quhatsoeuir

[1] Original Letter at Wemyss Castle.

thair pretens wer. Quhairfoir ze may keip this man, now being in zour cumpany, as ze kepit him and vtheris of that gang of befoir, alwayes havand zour awin securitie in hand that he sall not eschaip, as ze ar wys anewch to prouide: and sa for this tyme leving to new occasioun, committis zow to God. At Halyruidhous, the vii day of August 1577.

Zour assurit freynd,

JAMES REGENT.

To our richt traist freind, the Laird of Wemys of that Ilk.[1]

268. LETTER from KING JAMES THE SIXTH to THE SAME.
25th April 1579.

TRAIST FREIND,—We greit yow weill: Being moved with the mony and oft supplicationis of your selff and vtheris nobilmen, baronis, and gentilmen heirtofoir burdynnit with the keiping of the pleges and brokin men reteinit for gude ordour on the Bordouris, we haue at last concludit that sa mony as ar yit in handis sal be distributit and keipit in oure awn houssis and castellis: Wherfoir it is our will, and we command yow that ye caus convoy and put Archie Armstrang, sone to the Laird of Quhithach, now being in your custodie, with this our lettre and warrand, to the Captane, counstable and keipir of oure Castell of Falkland; and the said Archie being sufficientlie ressauit of zour handis, and the tikket of the ressauer or a note takin thervpooun, this our letter sal be to yow sufficient warrand. Subscriuit with our hand at our Castell of Striuiling, the xxv day of Aprile 1579. JAMES R.

To our traist freind, the Laird of Wester Wemys.[2]

269. LETTER from SIR WALTER SCOTT of Buccleuch (address wanting).
1st March 1584.

RICHT HONORABLE,—Being acertenit be my seruand of the slauchter of zour frind, quhilk I regrait from my verry hart, vith the discharg of sic credit as it

[1] Original Letter at Wemyss Castle. [2] *Ibid.*

Right honorable being acertent be my seruande of the
slaughter of your friend quhilk I regrait from my
verry hart, & the dischare of his credit as it plais
you in my behalf at his being in scotland till ye
mit nit his r. change I haue taine the hardiess how
to rill wily you in my auin absence quhilk to gode

Yours

Buckinche

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Richt honorable being acertenit be my seruandis of the slauchter of your friend quhilk I regrait from my verry hart, & the dischare of sic credit as it pleis you In my behalf at his being In scotland till cõmit till the ꝯ charge I haue taine the lawtiess heir by till visit you In my auin absence quhilk & gods grace sall no be lang as ane messager quha sall assur you of the performance of quhatsuener was conchidit vpon betuixt that gentilman and me quha I pray god had bein at the end as he was In the beginning bot sir quhat remedy ve all man of necessite follow. this far sir I haue tain the baldnes till fasche you & quhilk I pray you excuse seing as god knawethe I wald haue visit ~~you~~ till haue had the occasionne In quhais protectionne my cõmendationis remembert I cõmit you from dirrye the first of marthe 1593

Yours.

Bukcluche

plesit zou in my behalf at his being in Scotland till commit till his charge, I haue taine the hardiess heirby till visy zou in my auin absence, quhilk, vith God's grace, sall nocht be lang, as ane messager quha sall assur zou of the performance of quhatsumeuer vas concludit vpon betuixt that gentilman and me, quha I pray God had bein at the end as he vas in the beginning. Bot, sir, quhat remedy. Ve all man of necescite follou. This far, sir, I haue tain the baldnes till fasche zou vith, quhilk I pray zou excuss, seing, as God knauethe, I vald haue vissit nocht till haue had the occasioune. In quhais protectioune, my commendations rememberit, I commit zou. From Dieppe, the first of Marche 1584.

Zours,

BVKCLVCHE.[1]

270. LANSE ARMSTRONG of Whitehaugh to THE SAME. 9th November 1587.

RYCHT HONOURABILL SCHIR,—Eftir my hartle commendascenis: Forsamekill as ye sall ressaif Arche Armstrang, my freind, for wardour, desyrand yow to ressaif hyme in my plais, and entreyt hyme as ane of my awine bayrnis, and I sall stand chardge for hyme to you. Nocht ellis, bot God haif you in his kepyne. The ix of Nowember 1587, be your freind at power,

LANSE ARMSTRANG,
Larde of Quhythawch.

Post scryptwme.—The said Arche Armstrang is my neyr cowsein, and my wyfis brother sone.

To ane honourabill gentyll mane, the Larde off Weymis, be thes delyuerayt.[2]

271. KING JAMES THE SIXTH to THE SAME. 24th November 1587.

RICHT TRAIST FREIND,—We greit zow weill: Off the plegis quhilkis we haif takin in for the gud rule of the brokin men inhabiting the cuntreis ewest our bordouris, we haif direct the beirare heirof, Archibald Armstrang, sone to the Lardis Johnne, plege for the Armstrang of Mangertoun and Quhithauch, to remane in zour custodie and cumpany quhill he be releuit; and therfoir we require zow effectuuslie, and commandis zow to ressaue him, and on na wayis to lett him pas hame vpoun promeis, band, obligatioun, or ony vther conditioun, without our

[1] Original Letter at Newbattle Abbey. [2] Original Letter at Wemyss Castle.

speciall warrand in write. Alwayes it sall not neid that ze keip him in strait waird, becaus souirtie is ressauit of him, be our command, that he sall not eschaip or eschew, bot keip trew waird. Thus we commit zow to God. At Dalkeith, the xxiiii day of Nouember 1587. JAMES R.

To our richt traist freind, the Lard of Wester Wemys.[1]

272. KING JAMES THE SIXTH to THE SAME. 2d March 1587.

TRAIST FREIND,—We greit zow weill: Arche Armistrang, sone to the Lairdis Johnne, presentlie remaining with zow, being enterit plege for himself and certane vtheris of his branche, is appointit to be interchangeit with the berare heirof, namyt Johnne Armistrang, sone to the Lard of Quhithauch, quhome we haue presentlie directit vnto zow, desyring zow effectuuslie to ressaue him in zour hous and cumpany, causing him be answerit of meit, drink, and bedding, and suffering him na wayis to pas hame vpoun band, oblegatioun, or ony vther maner of conditioun quhill he be fred be ws, and he being enterit, that ze thereftir put the said Arche Armistrang to libertie, and suffer him to pas hame at his pleasour. Thus for the present we commit zow to God. Frome Haliruidhous, the secund day of Marche 1587. JAMES R.

To our traist freind, the Lard of Wester Wemys.[2]

273. KING JAMES THE SIXTH to THE SAME. 23d January 1588.

TRAIST FREIND,—We grete yow weill: It is our will, and we command you that ye retene and kepe the plege quhilk wes committit to your custodie in sure firmance and captiuitie, vnlatting him to libertie vpoun band, obligatioun, or ony vther maner of conditioun, without our speciall command therto in write, subscryuit be ws and our Chancellair. Thus we committ yow to God. Frome Halirudhous, the xxiii day of Januare 1588. JAMES R.

To our traist freind, the Lard of Westir Wemys.[3]

[1] Original Letter at Wemyss Castle. [2] *Ibid.* [3] *Ibid.*

274. SIR JAMES SCOTT of Balwery, knight, to THE SAME. [*Circa* 1590.]

RYCHT HONORABILL SIR,—My dewtie rememberit: It will pleis zow that, in respect of my adois, I am forcitt to vse this warnyng schoner nor my intent was to haiff done. Bot that we mycht haiff sychtit our turnis be freindis, alwayis the same wilbe na stay. And for my awin part, iff ze wil tak ony haistie curs for satisfeing me, I wilbe lath the same sall gang by zow: vtherwayis ze will latt thir presentis mak my excuis, that thair sall be na breck of freindschip on my part. Willing thir presentis to mak my commendatioun to zour selff, Ladye, and barnis; committis zow and thame to the protectioun of God.

Be zour louyng assuritt freind to his power,

James Scott of balwery

To the rycht honorabill the L. Wemys, giff this.[1]

275. LETTER of PROTECTION from KING JAMES THE SIXTH in favour of WALTER SCOTT of Branxholme, knight, during his travelling to France, England, and other places. 7th August 1591.

JAMES, be the grace of God, King of Scottis, to the Lordis of our Counsall and Sessioun, all and sindrie our wardanis, lieutennentis, justices, justice clerkis, shereffis, stewartis, crowneris, and thair deputtis, and all vtheris our juges and ministeris of our lawis, baith spirituall and temporall, secular and ecclesiastick, present and to cum, and all vtheris our liegis and subdittis quhome it efferis, quhais knawlege thir our lettres salcum, greting: Wit ze ws, vnderstanding that of our command and directioun for doing of certane effairis concernyng ws and

[1] Original Letter at Wemyss Castle.

the commoun weill of this our realme, our louit Schir Walter Scot of Branxholme, knycht, is to pas to France, England, and dyveris vtheris pairtis furth of this our realme; thairfore we, with auise of our Secreit Counsall, haue tane, and be thir our lettres takis the said Schir Walter, and all and sindrie his landis, lordschipis, baroneis, bailleareis, rentis, possessionis, heretaiges, takis, stedingis, rowmes, maillingis, teindis, castellis, touris, fortalices, houssis, biggingis, maner places, steirplaces, mylnis, fischeingis, mureis, mossis, grangeis, cornis, cattell, medowis, zairdis, orchardis, wyif and bairnis, and all and sindrie his and thair landis, rowmes, rentis, possessionis, casualiteis, guidis, and geir, movabill and vnmovabill, quhatsumevir within this realme, vnder our protectioun, supple, mantenance, defence, and saulfgaird: Attour, we with auise foirsaid haue respict, and be thir our lettres speciallie respictis all actionis, caussis, questionis, and querrellis concerning the said Schir Walter, his said spous and bairnis, to be intentit aganis thame, or ony of thame, be quhatsumevir persoun or persounis, to ceis and rest during the said Schir Walteris remanyng furth of this oure realme, and quhill his hamecuming within the samin, and fourtie dayis thairefter, and exemis him and thame, and ilk ane of thame, fra all comperance befoir quhatsumevir persoun or persounis, judge or judges, spirituall or temporall, during the said space, be thir our lettres: Quhairfore, we charge straitlie and commandis zow all and sindrie our wardanis, lieutennentis, justices, justice clerkis, sheretfis, stewartis, crowneris, and zour deputtis, and zow all vtheris, juges and ministeris of our lawis, baith spirituall and temporall, seculare and ecclesiastick, present and to cum, and zow all vtheris our liegis and subdittis foirsaidis, that ze nor nane of zow tak vpoun hand to do, nor attempt ony thing incontrair this our protectioun, supple, saulfgaird, exemptioun, and respect in ony wyis during the tyme thairof, vnder all hieast pane, charge, and offence that ze and ilk ane of zow may commit and inryn aganis our Maiestie in that pairt: Dischargeing zow thairof, and of zour offices in that pairt during the tyme of this our protectioun, quhilk we will to indure for the space foirsaid, but ony reuocatioun; commanding alsua zow, the saidis Lordis of our Counsall and Sessioun, that ze insert and registrat this our protectioun and exemptioun in the buikis of our Counsall, and that ze interpone zour auctoritie thairto, to haue the strenth of zour act and decreit. Gevin vnder our privie seill, at Edinburgh, the sevint day of August, the zeir of God j^{m}v^{c} fourescoir ellevin zeiris, and of our regnne the twentie fyve yeir.

Per signaturam manibus Supremi Domini nostri Regis ac cancellarii subscriptam.

276. SAFE CONDUCT from QUEEN ELIZABETH to the LAIRD of BUCCLEUCH. 12th May 1599.

WHERAS the bearer hereof, the Laird of Bucklugh, hath made suite vnto vs that wee would be pleased to graunt him our salf conduct to passe throughe this our realme to the parts beyond the seas, whither he is to goe for the recouery of his health : Wee therfore will and commaund yow to whom the same may any waies appertayne, not only to suffer him quietly to passe by yow (and retourne hither againe if he shall haue occasion hearafter), with his servaunts, money, baggs, baguages, and other necessaries, without any your let, stay, or other interruption, but also to be assisting vnto him for his shipping, and all other things needfull for his sayd journey, at prices reasonable and accustomed ; wherof faile yow not, as yow will answeare to the contrary at your perills : And these our lettres, or the duplicate of them, shalbe your sufficient warrant and discharge in this behalf. Given vnder our signet, at our Mannour of Greenwich, the tweluthe day of May 1599, of our raigne the one and fortith yeare.

To all Justices of Peace, Maiours, Sheriffs, Bayliffs, Searchers, Comptrollers, and all other our officers and subiectis to whom the same may appertayne, and to euery of them.

277. LETTER from JOHN MURRAY, afterwards EARL OF ANNANDALE, to WALTER LORD BUCCLEUCH.

At Chesterford Parke, the 17 Apryle 1616.

RYCHT HONORABILL,—I reasawed your Lordship's letter partlie for your suit in Eyrland, and for your pleace in cownsell. As for these, your Lordship's frend, my Lord Secrettar, will make yowe accowmpt offe thame, soe I will not take his Lordship's thankis.

Somthing I wnderstand by your Lordship offe Robert Ellett, wherin yee compleane off his reafing his charter whiche he doeth denay, and stands to it, and says his charter is stolling owt off his hows that his wnkle had, wherin my sisteris hail plenisching was, and hir cloithis and jowellis. I knoe not what to ansuer to this, bot iff I thocht he had doun soe, I wald be were lothe to suit for ony thing that mycht do him good; bot in the meane tyme I must both suit for him and wische his turnes als weell as I can, and wald desir your Lordship, seand I wnderstand by my sister that schee is soe hardlie vsed, and that all ther tenents is dischargit to pay thame thair rents, and that thai can hawe noe kynd off good vsing bot the extrematie, that I may knoe what to look fore, and for my sister I will tak some vther cowrss fore hir, and thane your Lordship may dispois of your lands in Liddisdeall according as yee think best. This I will remeatt to your Lordship's wisdome and ansuer, and remeane

Your Lordship's loweing frend to serwe yowe,

JOHN MWRRAY.

To the rycht Honorabill my were good Lord, my Lord off Balcluche—These.

278. LETTER from JOHN MURRAY, EARL OF ANNANDALE, to WALTER EARL OF BUCCLEUCH.

At Theabolls, the 7 Apryle 1624.

RYCHT HONORABILL,—I reaceaved your Lordship's letters off the 24 and 28 Marche. For that of the 24 I am well content that your Lordship and my Lord Roxbrough hes taken the submissione vpone your Lordshipes, and I shall be glad that the same ware endit, for I am most confident that your Lordship, knoing the just ryghts, yee will doe in it according to ryght, whiche is all I desir; and for your Lordship's offer off lowe to me, and that soe freelie, I think there is nothing in me to mereitt the same. All I will saye is that I vse not to change to my

frends except I hawe mor nor caus, whiche I will never look fore frome your Lordship, whoe is soe noble in all your actiounis to all men.

For that bussines off Freuchlands, I am sorie that I can doe him noe greatter fawour in that with his Maiestie, for he will doe nothing to him heare except he have information frome my Lord Thesaurer and Adwocate, and then I will doe for him what I can; bot I fear the same to be towe lytill, and I am off the oppinyeon your Lordship is off, that he had hard measour as I hawe both hard by your Lordship and vthers.

For your Lordship's vther letter off the bussines off the Borders, and what was done at the Cowrt off Jedbrough, I am off your Lordship's oppinyeone that there must be some order taken heare, and I will acquent his Maiestie with your Lordshipe's desire, and take my Lord Nyddisdall's assistance in the same, and it was our suit before, when Lage was heare, to his Maiestie, and what we doe in the same your Lordship shall be acquentit with the first occasioun. His Maiestie had the note of the seruice done at the Cowrte off Jedbrough, before this come to me frome the Earle off Melros by packett.

Your Lordship wrytis to me anents Robert Ellett of Ridheuche in towe particulers, one off [them] for the steilling off gentlemen's goods owt off England, off one Mr. Heron off Schipstyes in Northumberland, and one Mr. Charltoun, in Heslysyd in Tendell, and for being off intentione to hawe murderit your Lordship's selff, and at that tyme when your Lordship was doing his Maiestie and the countree seruice in Jedbrough, as is confesed by one off his compleces to my Lord Chanceller, Thesaurer, the Earls of Roxbrough and Melros, whiche thay hawe wreittin to his Maiestie, and that your Lordship is off that oppinyeoun that I will never esteame him worthee to doe fore, bot that justice may hawe pleace for example saike, for it is trewe noe honest man can leiff iff theift and murder be not punished. My Lord, it was never the forme of that poor hows I am come off to manteane suche wyle doeingis, and I sould be lothe to be the first begynner, seand his Maiestie hes putt me in one vther pleace owt of his gracious fawour more nor I can deserve, and all I can doe for the same is to serve him faithfulle and my countree, whiche shall never wante in lowe and faithe, whiche is all I can promes, and your Lordship may be sure I will never doe for suche wyle actiones whiche I knoe can not stand by lawe, nor yett whatt the consequence is may followe vpoun thame. I must leiff thame to his Maiestie's wisdome, to doe in [thame] according to lawe and justice of his Maieste's gracious fawour whiche he thinks best; only I am sorie that he whoe maried my sister sould ever doun ony thing

aganes his Maieste's lawes, or ony man, lett be your Lordship, whome I honor soe muche, and that I sould be aschamed to suit fore: noe, to haue doune the dewtie off one frend, to hawe defendit him to my power frome wronge, iff he had vsed my counsell, whiche I am confident I could doun by the lawes off the countree aganes ony man, and I wald had your Lordship's helpe in the same; bot in this I must leiff him to his Maiestie's iustice or mercie, seand he hes taken vther courssis, whiche noe honest man can or will iustifie, and I am confident your Lordship will doe in this lyke your selffe; and for me, I will ever reameane

Your Lordship's humble servand,

ANNANDAILL.

I hawe, as your Lordship desirit me, heasted your Lordship ane ansuer als sone as I could.

To my noble Lord, the Earle of Buccluche.

279. LETTER from MR. FRANCIS HAMILTON to WALTER FIRST EARL OF BUCCLEUCH.

Theobalds, the 7th of Aprile 1624.

MY LORD,—Before my receipt of your Lordship's of the 28th of the last, sent with your servant, Mr. Clark (who, cuming late to Waltham vpon the 4th of this instant, came the nixt morning and fand me at this courte, where he then deliuered your Lordship's lettere to the Earle of Annandaill), I had hard by letters of the 27th, sent from thence, of that detestable intention in Robert Ellote against your Lordship. Your eshape, as it giues your Lordship much occasion to be thankfull to your God, soe most the knowledge thereof be a great confort to your freindis and servants, whereof I cannot want my large measure, being so infinitlie bound to loue and serue your Lordship. The Counsell's lettere directed to his Majestie anent that purpose come in that packett of the 27th, and vpon the third of this instant I deliuered it to his Majestie, who, as him self tolde me, had hard of that enterprise of Robin Ellotes, by ane incertan bruite, before his receipt of the Counsellis lettere. The attempt is no more basse and damnable then his Majestie doth iustlie accompt it, whiche will appeare by his Majesties aunswer to the Counsell, wherby he hath required the Counsell, according to justice, to cause punishe the said Robert and his complices in that comploate, and yf by the lawes there a condigne punishement be not provided for offences of that nature, to cause the more exact diligence be vsed in discouerie of that

thift wherof Robin is accused, and yf by due triell he proue guiltie of the same, to doe justice, and therby to make it appeare that he is not onlie punished for that poynt of thift, but also for that basse purpose of murder, so as in all probabilitie he is a lost man, yf a man to suffer for soe vile crimes may be said to be lost.

The Earle of Annandaill hath, to my knowledge, beene soe farr from protecting that vnhappie man, as I dar assure your Lordship nather he nor any other hath as yett moved any thing in Robin's favours, nather will he medle in that purpose, but without opposition give way to justice. Yet for duetie to his Lordship, and the rather becaus I haue knowen him ever, and speciallie since my last comeing there, to be reallie your Lordship's freind, I can not conceale that I perceaue him moved with the sense of that mishant man's miserie, and thogh he will not pleade for him, yett I am perswaded it will much greive him yf that man (being his brother-in-law) shalbe putt to a shamefull death, it becomes me ill who am not to spare my owne life in defence of yours, to pleade life to any that wold haue taiken yours, yet your Lordship, I hope, will not offend if I presume to pray your Lordship in looking to that man's misdemannours, to cast an eye likewyes vpon his freindis, and in speciall vpon the Earle of Annandaill, to whom I darr sweare that man is as hatefull for his vices, and particularlie for his attempt against your Lordship's persone, as he can be to yourself. Yet for all this, I know affection, or yf he think him not wourthie (as I am perswaded he thinkes him not wourthie) therof, the verie name of so neir alliance must perswade him to wishe him frie of a shamefull death, and therefore give me leave to pray your Lordship to considder how farr your intercession, or being a meanes to saif that man's life at this tyme may oblige to yow so wourthie a freind as the Earle of Annandaill; and thogh his punishement wer otherwise never so greate, either by imprisonment or perpetuall banishement, the saiftie of his life will manifest to the world that your goodnes must be singulare, yf yee be a meanes to saif his, who wold not haue spared your life. The consideration wherof I humblie submitt to your Lordship, humblie intreating that your Lordship will not offend with my boldness in wryting thus frielie to your Lordship, who shall ever find me no lesse willing then infinitelie bound

To honour and serve your Lordship,

M. F. Hamilton.

To the Right Honorable and my speciall good Lord, the Earle of Buccleuche.

Indorso: Mr. Francis Hamilton, anent R. Ellott.

280. LETTER from JAMES MARQUIS, afterwards DUKE OF HAMILTON, to WALTER FIRST EARL OF BUCCLEUCH. [*Circa* 1624.]

Endbr., 27 May.

MY LORD,—If I had knoen of your Lordship's resolutioun to cum for Scotland before my parting frome Court, I uoold heaiue spoking more particularly in this busines nor nou I can wrytt; yeitt I ame confident much uill not be nesisarie for me to say in regaird of the uillingnes ye both heaue (as I hoope, or att leist shuld,) for ane fryindly and finall conclusioun in itt. I can not bot the more earnestly uished, sins itt conserns your Lordship and Drumlanrik, whoes ueiles I both heartily uish. I imagin your affaires uill not permitt you to stay long heire, therfor in my opinioun itt uill be the best way (as itt uas preponed to me in Lundun) to referred to freinds, giuing them pouer to determing whatt itt is that shall be submitted: this cours, notuithstanding of your Lordship's absens, may be goone on uith. I uill say no more, for I ame confident this much uill lett you seea my extrem desyre to heaiu all grudygis remouued betuix your Lordship and wone who must be so deire to me as he is. Consider weill upon itt, and advyse uith your freinds, then dou not I dout bot the succes will proufe good, which I will account as ane wonderfull good fortoun befallen to him who is

Your most assured freind and saruant,

J. HAMILTON.

For the Right Honorable the Earle of Balcluch.

281. WALTER FIRST EARL OF BUCCLEUCH to ROBERT FIRST EARL OF NITHSDALE.

Edinbourge, 27 August 1630.

MY LORD,—I haue spokin vith your frind Adam Cunninghame, vho sayes to me he is to sye you schortlie. This is the ansuere I haue given hym, that you vood consider vpon sume vay for my satisfactione, ather by presentt moneys att this terme, or for a good securitie by catione to be payett, for to intromeit vithe ony off your lands. You vill excuse me, for I am resolvett to tak vp no man's rents bot my awin. So, attending your resolutiones by ryt vpon this, I rest, your seruiteur,

BUCCLEUCHE.

To my very honorable good lord, the Erle off Nithisdaille.[1]

[1] Original Letter in Nithsdale Charter-chest.

282. LETTER from SIR J. DOUGLAS to WALTER FIRST EARL OF BUCCLEUCH, on the News of the Day.

Edinburgh, 21 June 1633.

MY NOBILL AND TOO KYND LORD,—I can give nothing bott thankis for all your Lordship's favoris, quhilkis ar bott slender paymentt for so reall curtesyiis; bott sinc we ar past beyond complementt, pleas your Lordship to resaeve ane accomptt of your desyris for our passagis in this countrey.

Iff efter or befor your Lordship's paerting from Ingland, I know nott, the Presidentt of the Sessioun was brocht wpon the stadge be the Erll of Aerthe, quho exspectting no suche thing quhen he was spaeking withe his Majesty, found sum harschnes, and desyrous to know the cause, did presently conseve be his masteris ansueris his informer. He, therfor, preissing his awin justificatioune, retorttit sume aspersionis wpon the Erll of Aerthe, quheroff the Kyng tooke hold, and willitt Curorhill to be weill advyssitt befor he sould informe any suche matter. The Presidentt tuk immediattly paper and ink, and putt to his hand, and oblischtt himself, wpon paen of daethe, to prove thes spaechis spokin to him be men of gud quality. The wordis wer that the Earll of Aerthe did, in his discourse, affirm he had als graett rycht to the croune as King Charlles, iff he had pouer anewche. For tryall of thes informeris ther was ane commissioun, direct wnder the Graett Saell, to nyne—2 Archbischhopis, the Chancellor, Tresaurer, his Deputt, Erllis of Hadingtoun, Laderdaell, Vecountt Aer, and the Clerk Register. The President delatitt as his informeris Erll of Wigtoune, the Lord Ramsay, Constabill of Dundie, and the Laerd of Caderwood, quho all being examinitt, deponitt; Wigtoune and Ramsay gaeve wpe for ther informeris the Lord Carnegy and his brother, Alexander Carnegy, quho bothe ar examinitt, and ther declaratiounes shawin to his Majesty. Itt is thocht thatt thes tuo brethren hes deponitt they haerd my Lord Aerthe spaeke thes wordis in ther awin haering, quhairwpon the griett Lord is dischargitt Courtt, and hes nott hitherto approchitt the King, bott the voyce gois thatt he is sentt for be the King to be confronttit with the deponeris, quhairof ther is no certanty.

Our master hes resevitt graet conttentt att his entry in this countrey, and joyis muche to sie the poepill ther so kynd acclamationis and prayeris for him.

Ther was graett preparatioune maed for his Majesty's entry att Edinburgh, quhairoff he hes taken graett conttentt. Our Parliamentt was riddin the 20 off Junij. This day, being the 21, the Lordis of the Artickillis hes mad offer off six yaeris

taxatioune, as was formerly payitt. The revocatioune is approvine. This is all as yitt; only the Erll of Angus worne outt of daett, and hes, with consentt, quitt his first vote in Parliamentt, and now is Marquis of Dowgles; the Chancellour, Erll of Kinnoulle. Ther is ane graett many nobill men exspecttit to be maed befor the Kingis paertting. I haer Quhitslaed is maryitt, as your Lordship directitt, bott my Lord Rose is nott yitt comitt home, for he is seick be the way. Your children ar all weill.

As I began I must end, ever to acknowledge myselff as ane strick oblischitt debttor,

So your Lordship's trew servantt,

J. Douglas.

With the nixt occasioun your Lordship sall haer off our Parliamentis conclusioun.

Lett me tell yow iff ever that your Lordship's place in the Low Countreyis was steidabill, it hes this yaer payitt your cost, for we haive nothing haer, bott peyd in clothis, and prodigality, in fiestis and banquetis.

To the rycht nobill and my very honorabill guid Lord, the Erll of Baclewche —Thes.

283. Sir J. Douglas to The Same.

Edinburgh, the 13 off July 1633.

My Lord,—The Parliamenttis end is the begining of our countreyis trubill, for in itt ther is six yaeris taxatioune granttit *sicut antea* to begine quhen the uther endis.

Our annuall renttis ar reducitt to viii for the hundrethe, bott our ease thatt ar debttoris ar nott so gud as youris that ar creditoris and lendis moneyis, for, for the space of iii yeris, the King gettis the tuo, quhairof we ar releiffit; thus be your wnckillis, efter the Erll of Roxboroche. This hes movitt ane grett recenttmentt and outtcry in this countrey.

I know I could nott have advertishitt your Lordship of worse newis, for the Erll off Nithsdaell is very haeviley offenditt at this acte, yitt he will pay your Lordship and for the C.

The revocatioun is ratifyit; the commission for teandis obtenitt. Ther is ane colledg for doctoris erecttit, quhairof the conditionis ar referrit to consall, and pockis curit for nothing.

Ther is ane number off Erllis mad,—Carnegy, Southask, Erll of Stirling, Lord Canada, Erll of Weimis, Sir Robertt Ker, Erll of Ancrume, Vicuntt Aer, Erll of Drumfreis, Lord Ramsay, Erll of Dalhousy, Erll of Traquar. Ther is many Lordis —Houstoun, Bombby, etc.

I wraett to your Lordship off the Erll of Aerthe. His accusation being consideritt be the King, he got to his option iff he wold com in will or abyd tryall. This day being the xiii of July, his Lordship sentt ane letter, quhairby he desyris pardone, iff in madnes or drunkennes he did spaek any thingis offensiv. This declaratioun, becaus alternative, is repellit as negative, and therfor his Lordship is commanditt to grantt or deny, quhairto he is to give ansuer this nycht. Quhatt itt wilbe I know nott.

Our master wentt to Faclane, from quhence quhen he came to Edinburgh, be storme he lost xxx men, and sume plaett, with his privy purse. Your children ar weill: so am I,

Your Lordship's humbill servantt,

S. J. DOUGLES.

To the rycht honorable and my very nobill Lord, the Erll off Bacleuche.

284. LETTER from ROBERT PRINGLE of Stitchel to WALTER FIRST EARL OF BUCCLEUCH.

Edinborow, the 24th of July 1633.

RICHTT HONORABILL,—My good Lord, itt will please your Lordship to know I receaued your lettre, wher I craue your Lordship's pardon thatt ye haue nott recaued any lettre of my humble seruyce to yow from me. The truth is I had written twys att large, the one lettre come back to my handis, the other I think miscarryed, as itt appeares by your Lordship's lettre that ye haue hard nothing from me, bott now hauing this occasion I presentt my seruyc with thatt assurance I shall nott be forgetfull, so far as I am able, for your Lordship's affayres. As for Francy of Kinmontt, Geordy of Dykraw and Whyttlysyde, they haue no landis in possession of your Lordship; as for Francy Kinmontt and Geordy Dykraw, they ar bothe tryed to be resetters of my Lady Marques hir ky and mares, for the quhilk cause the sayd Francy of Kinmontt fled to Yreland; and as for Geordy Armstrang of Dykraw, Johne of Syntoune and I took him, who is lying in prison to byd his tryall, quhilk shall be probablie of the forsayd resett. I haue appre-

hended ane Archy Armstrang, called Hollas, who duelltt in the Mearburnheid, ane hird to Hobby Rackes. I fand with him ane kow stollen from Arthur Foster, ane Englishmen, who offertt and fand band to pursew him according to the lawes of the cuntrey, wherupon I send him to Jedburghe, and wratte to them in your Lordship's name and the power which I haue of your Lordship, to keep him in saffe ward upon his own charge, as I should discharge his burden to the towne. Nottuithstanding they wold no wayes exceptt of him, bott sett him att liberty, and since thatt tym my sonne in law hes comed in your Lordship's boundis, and hes taken him and carryed him to Cairleill jeuill, which cause is contrayr to the ordour of commission hes been of remanding in the Borders, as I haue showen to my Lord Roxborow and my Lord Hadingtoune, now att Parliamentt, who showes their selues to be your Lordship's frindis, and I haue oblieged my selff no complayner shall be in England for any tennantt dwells in your Lordship's land, bott I shall lay the offendour in jevill, provydeing we may haue ane jevill to recaue the prisoner and band for the compleaner to pursew the offendour. I hope your Lordship will excuse me thatt my fortune was nott to see your Lordship at your way going, for I never hard of your Lordship going away outt of Scottland till three dayes after. I am now forced to leaue Esk and comed to Stittchill to dwell, which makes me far from the partt of your Lordship's seruyce, whilk I am willing to doe, as I intreatt your Lordship nott to doubtt bott I will tak the more payne to keep your Lordship's tennanttis and boundes I haue charge of in good order, as I shall be answerable to your Lordship with my best seruice att meatting. I haue layd in thes plenishings of timber work which I had in the Battingbushe in your Lordship's house of Mumbihirst. I wishe I had your Lordship's mynd if itt were your Lordship's pleasure thatt I should haue thatt ease for repayring of the house, for somtymes my ease to doe your Lordship seruice, bott I hope your Lordship will considder whatt ease ye may dispose for me in the countrey, wher I shall be very willing till imbrace evill lodging to doe your Lordship seruice whill better may fall outt. Itt will please your Lordship to witt your barnes is all in good health, praysed be God, bott my affection is so to your Lordship that I mak bold to intreatt your Lordship to enjoy thes blessinges God hes giuen yow att home in your countrey, which wold oblishe us all who ar your servantts to rejoyce of your beeng in the countrey and to leaue of all other seruyce, and serue your king, who is the most worthy prince to his subjectts, as he hath shewen himselff att this tym in Scottland to all mans contenttmentt. I hope your Lordship will not be doubttfull that

I shall leaue anything undone stands to your Lordship's honour and profitt which my witts and mynd can be able to doe. Nochtt farder, bott, my humble seruice remembered to your Lordship, I rest

Your Lordship's humblle seruantt, etc.,

ROBERTT PRINGILL of Stittchill.

To my Rightt Honorabill and good Lord, the Earle of Buccleughe, thes be delyuered.

285. LETTER from LADY MARGARET SCOTT, relict of JAMES FIFTH LORD ROSS, to the LAIRD OF DUNDAS.

Melvill, the 25 December 1633.

RYCHT HONOURABLE SIR,—It was my husband's desyre, quho is now with the Lord, that he sould be transportit from this to his awein buriall place of Renffrew: quhairfoir I will earnestlie intreat zow to do me the favoure till meitt his corpis on Fryday, the 27 of this instant, at ten hours in the morening at Kirklistoun Watter, and accompany him to Linlythgow; for whiche favoure ze sall obleiss me to remane

Zour assured freind to serve zow,

MARGIRETT SCOTT.

To the Rycht Honourabill and my assured guid freind, the Laird of Dundas—Thess.[1]

286. LETTER from SIR JOHN SCOTT of Scottstarvit to MR. LAURENCE SCOTT, Advocate.

Caiplie, 26 August 1634.

LOVING FREIND,—Patrick Scott heaving mist me in Edinburgh, did cum heir to my hous and desyrit me to cum to Edinburgh to give him his dispatche, to quhom I shew that my presens thair was to small effect, seing he could dispache the mater weill aneuch without me. For seing the comission was alreddy past all our handis, thair remanit no moir to be doin bot tuo thingis—the first, lettres recommendatory from his Majestie to the Prince off Orange, to the Generall Estaitts, and to oure English agent resident at the Hage, for quhilk thrie lettres I sall wrytt to procure the samyn fra my Lord of Stirling, and by his moyen I do

[1] Original Letter in Dundas Charter-chest.

not doubt bot I sall gaitt it formally doin as Patrik sall requyre. The last is money, without quhilk he knew nothing can be done; he requyres only threttie pundis sterling to be gevin him presentlie, quhilk is ressonable, and then to be furnished, being thair in Holland according as he sall neid, he not exceiding threttie sevin ilk day that he agents the bissines, quhilk to my self seames very ressonable. Lat James Adamsoun or James Murray furnish the money, and I sall with zow consent to the allowance and repayment thairof at my cumming to Edinburgh. Caus also translaitt the wryttes, quhilk ar in Duch, and keip the doubillis thairoff besyde you markit by his hand for your warrand off delyvering thame and his thretty pund sterling; he will allow in the first end off his fie and give you compt thairoff, his charges in the voyage being first deducit thairaff. This is all that I can wryt to yow in this purpos. I desyre to know iff ye heave bein myndfull of the purpossis we spak off anent my sone, and that iff ze find the opportunity ze will not delay tyme. Soe, befoir the Sessioun sitt doun, I will be at sum satling in that mater, for I heave delayit long in pay, and iff ye find not the feild fair, oppin not the palk without selling waires. So expecting your ansuer herin.

Your loving freind,

SCOTTISTARVETT.

Give him power to sell all my Lordis stuff thair, quhilk sortit him in the campt, and he heving maid money thairoff will mak vse of so much thairoff as will serve for his mentinance, and will mak ws compt of the superplus, iff any happinis to be.

To my assured good freind, Laurence Scott off Clarkintoun, advocatt befor the Lordis of Sessioun—Thais.

287. FRANCIS SECOND EARL OF BUCCLEUCH to MARGARET LADY ROSS.

8 February 1643.

MADAME,—I thought to comed and seene your Ladyship befor I had gone out of this toune, bott I hope your Ladyship will be pleased to pardon me, because all this foornune I haue be[en] taken up with my Lord Lintoune his comming to my chamber hear, and syndrie others; bott, God willing, I shall see your Ladyship once on Friday or Setterday, and receaue your Ladyship's commandiments before I goe south. And ass for the business your Ladyship spoke to me long agoe concerning Johne Scott, your naturall brother, I haue nott gotten tyme to aduyse

with some of my curators and syke ther consents therto, bott I shall striue at my incomming befor I goe south to give your Ladyship contentment of such a resonable desyre, and when occasione offers I shall striue to show my selfe your Ladyships most affectionatt sonne and humble seruant, BUCCLEUCHE.

From my chamber the 8 of February 1643.

I tooke the occasione of the bearer hearof being with me.

For my very honourablle lady, my Lady Ross—These.[1]

288. LETTER from JAMES EARL OF QUEENSBERRY to the MINISTER OF STAPLEGORDON, to intimate from the Pulpit as to supplies for the Regiments at Dumfries.

Drumfres, 10 Maii 1644.

REVEREND SIR,—We ar injoyned be the Generall and Committee of the armie to send thir instructions to yow, to be intimat this Sundey nixt—

1. Whereas we ar ordaned to mantein the armie for fyftein deyis, peyand to ilk horsman of thre hundreth eghtene shillings a dey, and to the fut regiments heer ellevin bolls meill a dey, quhilk being calculat in money be the valuationis, will extend to xix lib. ten s. for ilk thowsand merkis of rent in ilk parochine: of the quhilk 19 lib. 10s. thair must be broght heer to Drumfres aught pekis meill to be delyuered to the Commissar, for the quhilk ther is to be allowit sevin pundis four shillings as pryce thairof, and the rest of the meillis pryce and hors pay is to be peyit in money also to the Commissar of the armie extending to tuelff punds sex shillings of money for ilk thowsand merkis of rent; quhilk meill and money is to be collectit and broght be , who broght in the meill laitly owt of your parochine, and the halff of this proportione off meill and money must be broght in to Drumfres on Mondey nixt or vpon Tuysdey at ten houris in the mornyng.

2. That the just halff of the number of men that was appoynted to be sent owt of ilk parochyne in the last expeditioun, baith horss and futt, be now picket owt be these who pat the samyn of befoir, viz.
and be now broght furth with sufficient armes and with a baggage hors for ilk ten men, to the randevous of this shyre at Lochmaben, the tuentie thrie dey of Maii instant, at ten houris, and that they be provydet with tuentie deyis provisione, to marche within xxiiij hours advertesment efter the said dey.

[1] Original Letter at Eglinton.

3. To mak intimatione to all these who hes hey, corne, and strae within your parochine, that they bring or send the same to Drumfres presently, and mak saill thairof; quhar they sall haue four shillings for ilk stain of hey, aught punds for ilk boll small corne, and sextene merkis for ilk boll great corne, and ressonable pryces for thair strae.

This ze mey not faill to intimat from zour pulpit, and certifie them that faillzies ther will be pairties quarterit on them till they do thair dewtie. So we rest

Youris,

QUENSBERRY.

For the Minister of Stabill Gordoun.

289. LETTER from JOHN EARL OF LOUDOUN to FRANCIS EARL OF BUCCLEUCH.

Newcastle, the first of Jullie 1646.

MY NOBLE LORD,—I went immeadiatlie after the reicept of your Lordship's letter to the King, and did acquaint his Majestie with what you were pleased to wrytt to me concerning Simeon Armstrang, whose releasment his Majestie acknoledgeth as a ciuilitie and euidence of your respect to him, and commanded me to let your Lordship know that it is his Majesties desire to set that man at libertie, and that he be remoued out of the kingdome of Scotland and the northerne counties of England bordering with Scotland, for which your Lordship may take sufficient suretie from him, by doing whereof your Lordship will satisfie his Majestie by putting the prisoner at libertie, and secure that countrie from being further troubled with him, both which I doubt not but your Lordship will in your wisdome performe, and haue no more to say to your Lordship in this perticular, but shall upon all occasions be readie and most desirous to giue reall testimonie that I am, my Lord,

Your Lordship's most humble seruant,

LOUDOUN.

I shall not at this time trouble your Lordship with occurrences from hence, knowing your Lordship will get them more exactlie by the letters written to the Comittie of Estaits in Scotland from our Comissioners at London.

To the Right Honorable the Earle of Buccleugh.

290. LETTER from FRANCIS EARL OF BUCCLEUCH to JOHN SCOTT of Gorrenberry.

Edinburgh, March the last, 1648.

ASSURED FREIND,—I receaued your letter, wherby I find those tenents of myne will not offer any more then ane thousand punds for my tynds of Eckfuird by the tynds of the Mains; and seing the world is lykly to become troublesome, I will rather take money then lett it stand to sogers discretione: therfor since they will giue noe more, take it, bott see that they keepe secrecy, because my Lord Lothiane and I are nott agreed for that tynd as yett, and withall appoynt with them the terme of payment to bee as short as yee can. As for the tynd of the Mains, if yow desyre itt your selfe, yee sall pay no mor then formerly yow did to Lothiane; and if yow desyre it nott, sell it to them att the best auaill. So trusting this to your caire, I rest, your good friend, BUCCLEUCHE.

For John Scott off Gorrenberry.

291. MARGARET COUNTESS OF EGLINTON to ALEXANDER SIXTH EARL, her Husband.

8th May 1650.

MY DEIREST HART,—I had your last yester night as I was going to bed, from me Ledy Twedaelis man, bot this other of myne was wrettin yesterday to hawe com away with Hew Neiwine; bot I send this to yow so soune as I hard them this morning, to bring yow the gud and happi newis of the King's agreiment with our Commissioners. A great wachter come wp this morning with letters to the staett of it: ane Maister James Dallrumpell, that went away with the Commissioners, broght them, and a man of the Lord Cassellis. I hope, my deir hart, to sei yow heir shortly, for the Parlament well sitt dowin this day aweht days. My dochter is weill, going rowing about. Ye hawe done weri weill that hes putt that lowen quein to the yett, for I did heir, er I com from that, they war suspecting the wnder stewart and her, bot could not gett it prowen, bot it is weill sho is gone now: all till wickednes about the towen go with her, and all lowens lyk her. God Allmighti send a gud tryell of all the wicthis, and send them a hotte fyre to burne them with. I did wrett two sewerall letters to you annent the Sheiriffsheip, bot I haue had no answer from you; I deseyr it so sone as ye may. Any

ye send to me, send them to Dalkeithe, for I well be ther till Monday, I think, for me Lord and his ledy taks it weri greiffously the daethe of ther sonne. Thus wishing to heir of your better health, I ewer am, my deir hart, yours only,

MRGIREITT SCOTT.

Edinburgh, 8 May 1650.

Just as I was ending thus, it is said that James Grame is takin in Cattnes: it is most trew he is on come to the [toun] and two other with him ther.

I forgott in all my former letters to shaw you I have spoken with a young man to be your chamberman. He is a pretti man, and a gud taillour; was never at serwis befor. He shouht a hunder mark of fei; I offered him fourti pund, and so many of your old clothis as ye thoght gud your self. So lett me kno what ye will gif him, and I sall mak condishone with him as ye direct me.

For the Earll of Eglintowene.[1]

292. LETTER from KING CHARLES THE FIRST to WALTER EARL OF BUCCLEUCH.
2d April 1627.

CHARLES R.

RIGHT trusty and welbeloued cousin and counsellour, wee greet yow well: Whereas Frances Stuart, sone to the late Earle of Bothuell, hath petitioned vs that in maters which he doth claime either by right from his father or otherwise by prouision to any estate or landes which did belong vnto him, he is willing to submitt himself to anie indifferent frends, and that wee may be pleased to be the vmpier therein; and in reguard that our right trustie and welbeloued cousin and counsellour, the Earle of Roxbrugh (with whom to this purpose wee haue conferred), is contented vpon his part to tak the like course, but withall is willing that yow who are engaged by the like interests will do the like, as wee exspect yow will; wherevpon wee haue thought fitt to acquaint yow herewith, that yow will proceed in the like maner, or otherwise, that with all convenient diligence yow acquaint vs with your mind herein, to the effect wee may resolue what course shalbe most fitt to be takein herein: so being willing that all thinges in this purpose should be setled in a faire and frendlie maner, wee bid yow farewell. From our Court at Whitehall, the second day of Aprile 1627.

To our right trustie and welbeloued cousin and counsellour, the Earle of Bacleugh.

[1] Original Letter at Eglinton.

293. LETTER from KING CHARLES THE FIRST to WALTER EARL OF BUCCLEUCH. 20th October 1630.

CHARLES R.

RIGHT trusty and right welbeloued cousin and counsellour, wee greete yow well: Finding the time appointed for your repairing to our Court at Michaellmesse last for the setling of all differences betweene yow and Francis Stuart to be expired, wee are pleased to require yow to repair vnto vs for that purpose, betwixt this and the last day of Nouember next, that wee may determine therein as wee had resolued; for immediatlie thereafter wee intend to proceed, and will delay no longer. Thus, hauing signified our pleasure herein vnto yow, wee bid yow farewell. From our honour of Hampton Court, the 20th of October 1630.

To our right trustie and welbeloued cousin and counsellour, the Earle of Bacleugh.

294. DECISION by KING CHARLES THE FIRST concerning a Provision for FRANCIS STUART. 8th August 1631.

FRANCIS STEUART haueing petitioned vs to haue compassion vpon his deplorable estate, and that his father's fault (of which wee find him to be noe wayes guiltie) may not vtterlie ruin him, of which peticion wee haveing duely considered, doe find it fitt so farr to satisfie him, that he may haue a competent maintenance to liue on. To which end wee haueing spoken with those lords who haue all the benefite of the late Earle of Bothwell's forfeyture, and they, as reason is, haueing submitted to what wee shall determine herein, doe hereby declare our pleasure that the true worth of the said forfeyture being found out vpon strict examination by our Counsell of Scotland, and that being divyded into sex pairts, wee allott twa pairts to Francis Steuart, to be taken respectiuely out of each of the aforesaid Lords' possessions, and that everie one of them shall doe whatever shall be thought fitt in law, and is in there pouer to performe, for secureing of the other of that which wee appoynt to be done, a care being had, as wee shall give order for that effect, that this division whiche wee have declared shalbe justlie and equallie made, giveing to everie one his proportion, for avoyding of future strife, in the pairts

where it may ly most convenientlie for his vse. And these presents shalbe a warrant to our advocat to drawe securities hereupon. Oatlands, the 8 of August 1631.

These lynes following are wreitten by his Majestie's ouen hand :—

I haue not filled vp those blankes, though I haue done those of the decree, because the rentall's treu value may be found out with the lesse partialitie.

Vera copia.

WALT. NASH.

295. LETTER from KING CHARLES THE FIRST to the PRIVY COUNCIL OF SCOTLAND. 22d February 1634.

CHARLES R.

RIGHT trustie and weilbeloued cousin and counsellor, right trustie and right weel beloued cousins and counsellors, right trustie and weilbeloued counsellors, and weilbeloued counsellors, wee greet yow weell: Having beene pleased to take vpon ws great paines for setling the differences betwene the Erles of Roxbrugh and Bucleuch and Francis Stewart, sone to the late Erle of Bothwell, and being most willing for so long a tyme that all possible meanes be vsed to put thame to a finall determination, wee doe heirby require yow to call before yow the tutor and curatores, and others to whome the late Erle of Bukleuch's children and thair estates are intrusted, requyring thame in our name to draw vp a procuratorie or factorie in thair names, giving power to such of their awne number as they sall think fitt, who may stay heere, and who ar best acquainted with the estate of that busines, to setle and finallie compose in our presence the said differences between the Erle of Bucleuche's children and the said Francis, that the same, being legallie and perfytlie done, be delyvered to the Erle of Roxburgh, that at his comeing hither these maters may be fullie concluded: which speciallie recomending to your care, wee bid yow farweell. From our Court at Whythall, the 22 of Februar 1634.

Vera copia.

296. MINUTE for Contract between the EARL OF BUCCLEUCH and FRANCIS STUART. 26th May 1634.

FRANCIS STUART is to haue all the landes in Lothian which belonged formerlie to his father, paying bak to the heires of Buckcleugh for the superplus which salbe

found aboue eight thousand fyue hundreth merkis of yearely rent, being a thousand lib. for euerie hundreth merkis, which was estimated before his Majestie, to extend to threttie two thousand pounds Scottes money, or thereabouts, and that in full satisfaction of the whole thrid part of all the estate which the Earle of Buckcleugh did value and mak subject to his Majestie's decree as belonging to him by vertue of the Earle of Bothwell's forfeyture.

And whatsoeuer lands or rentis the said Earle did renounce, or were not valued and made subject to his Majestie's decree, as likewise whatsoeuer tithes or patronages of churches, out of which the said Earle had any rent, they being renounced or not valued and made subject to his Majestie's decree, the said Francis is to be enabled *pro tanto* to plead for them by law, and to recouer them to his oun vse, they taking them to their other rights, and quyting Bothwell's forfeyture in that case.

Euerie of them is to deliuer to the other all the euidents that they haue of the portiones of land that is disposed off to the other, renouncing all right they can pretend therevnto, and giuing warrandice from their own deeds.

None of them is to hold any stock, tithes, or superiorities whatsoeuer of another, but immediatlie of his Majestie, if they were holden so formerlie; or otherwyse, as they were holden of old.

As for the patronages that sall fall to be questioned betweene them, it is his Majestie's pleasure that his aduocate considder of his ryght therevnto.

If any question shall arrise vpon new grounds between the parties further then is explaned, his Majestie is to be acquainted therewith, that he may declare his further pleasure thereanent.

From his Majestie's Manour of Greenwich, the 26 May 1634.

Vera copia.

JAMES PHILP.

297. LETTER from KING CHARLES THE FIRST to the PRIVY COUNCIL OF SCOTLAND. [*Circa* 1634.]

RIGHT trustie and welbeloued cousin and councellour, right trusty and welbeloued cousins and councellours, and right trustie and trustie and welbeloued councellours, wee greete yow well.

In regard that the decreet arbitrall which wee gaue forth betuixt the late Earle of Buccleuch and Francis Stuart, sone to the late Earle of Bothwell, was not

sufficientlie extended, wee haue hereby thought fitt to explaine our intention therein thus, that all yearelie rents whatsoeuer that the said Earle of Bucleugh did possesse by the forfeyture of the late Earle of Bothwell being truely valued and made subject to our decree, the said Francis should haue a iust thrid part thereof; and, in consideration of the more conveniencie, wee will that the said thrid be of the landes in Lothian, which, seing that by the rentall giuen to yow they exceed the said proportion allotted vnto him, is to pay to the said Earle a thousand pounds Scottes for each hundreth merkes of the superplus more then the rent of eight thousand fyve hundreth merks, with annuell rent for the same since the date of the said decreet arbitrall, and the said Francis to haue the whole lands in Lothian which did appertaine to the said Earle or his father, whereof they were in vse to vplift the mailles and duties, conforme to the said rentall, and is to hold the same of vs, or of others of whom the said Earle held the same, and no otherwise; Francis his entrie to the vplifting of the fermes is to beginne at the date of the decreet arbitrall; and if the said Earle did omitt to value anie lands whereof he vplifted duties and rent, so that they were not made subject to our decree, or did renounce the same by anie right flowing from the forfeyture, in that case wee appointed the said Earle to denude himself therof, and tak him to such other rights as he had of the same, and the said Francis to be enabled *pro tanto* to plead for recouerie thereof, being so renounced; and as for the whole patronages, the said Francis is to haue a thrid part thereof if any yearely rent was vplifted by the said late Earle or his father out of the same: likewise, by the contract to be extended herevpon, the said Francis is to renounce all title to the rest of the lands of the earledome of Bothwell pertaineing to the said Earle, both propertie and tenendrie, except before excepted; and to ratifie the said Earle his rights thereof, both pairties are to deliuer the whole euidents of the earledome of Bothwell to other, according to their proportiones, and if they fall all to the said Earle's share as being vnited in one barrony, the said Earle is to giue, vpon his own charge, authentick transumpts of the said euidents. The warrandice must be mutuallie from their own deedes: the said Earle is to except out of his warrandice the deedes done by his father and himself in entring of vassales, prouiding the rentall hold good as it was giuen up by yow. Vpon all which heades wee will yow to cause our aduocat to draw vp securities amongst them, that the same may be signed by both parties, and that zow registrat in the Bookes of Councell the said decreet arbitrall with this our explanation therevpon; and if any of the parties refuse to subscribe the same, we will yow to require our aduocat to concurre with the other

pairtie and vrge the fulfilling of our said decreet and explanation therevpon by law. In all which particulars hauing likewyse imparted our pleasure to the said Francis, and to our trustie and welbeloued Sir John and Sir William Scottes, two of the Earles of Bacleugh his tutours, who by our direction were sent hither vnto vs by yow. Wee bid yow farewell.

298. LETTER from KING CHARLES THE FIRST to the TUTORS OF FRANCIS EARL OF BUCCLEUCH. 15th September 1635.

CHARLES R.

TRUSTIE and welbeloued, wee greete yow well: Vnderstanding that the businesse betuixt the Earle of Bucleugh and Francis Stuart is not as yet fullie setled, and in regard of the paines wee haue taken therein heretofore, being verry desirous that it be brought to an end for the well of both, wee haue resolwed either to see it done at our sight, or to consider what the next course is, and to whom (if it cannot then be determined) it should be remitted, that wee be no more troubled therewith: therfor it is our pleasure that yow who are entrusted with the Earle of Bucleugh's affaires, or such others as yow think fitt to bring with yow for that effect, repair towards vs with all convenient diligence, well instructed with what concerneth the said businesse, which wee desire so earnestlie to be accommodated. So, exspecting your coming hither, wee bid yow farewell. From our Court at Bagshote, 15 September 1635.

To our trustie and welbeloued Sir John Scot of Scotistaruit, knight, Director of our Chancerie, Sir William Scot of Harden, knight, and Laurence Scot, aduocat, Tutours to the Earle of Bucleugh.

299. EXPLANATION by KING CHARLES THE FIRST regarding the Superiorities and Patronages, etc. March 1636.

Suprascribitur Charles R.

IT is determined that the superiorities and patronages of such landes of the earledome of Bothwell as salbe recouered by Francis Stuart as not valued and made subject to his Majestie's decree by the late Earl of Bucleugh, shall go to him with the landes, unlesse Bucleugh haue another right to them then by Bothwell's forfeyture. Whereas Bucleugh gote possession of any lands by vertue of Both-

well's forfeyture, though, finding the title defectiue, he haue acquired a better right from another thereafter, yet he sall lett Francis Stuart be repossessed in the case that his father was in till it be recouered againe by Bucleugh in a legall way, by vertue of his other right then by the forfeyture, if the lands were not valued and made subject to his Majestie's decree.

It is intended that Francis Stuart hereby shall not be repossessed of any lands whereof the Earle of Bucleugh or his predecessours were in possession before the forfeyture, by a former right, and not thrust in by a pretended title.

Subscribitur C. R.

300. LETTER from KING CHARLES THE FIRST (Address wanting).
10th September 1637.

CHARLES R.

RICHT trustie and rycht weilbelovit cousine and counsellour, wee greit yow weill: Wheras it hath beine alwayes our royall intentione from the begining (according to our decree and explanatiounes to that purpos) that Francis Stewart sould haue a thrid of all and quhatsoever of the earldome of Bothwell, quhairof the late Erle of Buckcleuche's father acquyred aither rycht or possessione be the forfaltor of the said Francis his father, and to the effect the same might be the more punctuallie observed, wee did expreslie decerne that quhatsoever thinges belonging to that estate which wer renunced, omitted, or vnvalued, sould apperteine to the said Francis, therby out of our just and princely dispositione giveing to the pairties interested a tymelie premonitione to proceid in a fair and straight way, conforme to our royall intentione, according to which, and our pleasur signified to yow by our late lettres toucheing this purpos, wee will yow now to proceid without farder explanatione from ws, or delay quhatsoever; but if the Earle of Buckcluche's tutores will continwe refractarie, requyre our aduocat in our name to goe on with all diligence, accordinge to our directione signified to him heiranent, and for adwyseing the readiest way to possess the said Francis of the whole estate in Lowtheane, and recouering the bygaine mailles, dewteis, and pryces therof since our decree, he performing quhat hath bein ordored by ws and expressed in our saidis lettres, and for evicting in a legall maner from the said Erle of Buckcleuch the richtes of such thinges as haue not beine valued, and which his grandfather did injoye, by vertew of the forfalture, and how the said Francis may be possessed therof, he alwayes frieing the arreistmentes and secureing the Earle anent his

For
the Earll of
Wemyss att the
Wemys in fyf
sotland

London 1 Jun
9
1673

My Lord

I have obeyd your Lordships comands in leaving of my Lady more, she is in verie good health and so is all frends heir, the devil is your servant, I hope your Lo: will be pleased to present my service to my dear sister Lady Margrett and to all the rest of your good company, I hope you will be pleased to pardon this boldness from

My Lord your Lordships
Most affectionat doughter
and humble servant

Anna Buccleuch & Monmouth

creditores, conforme to our former ordouris heiranent; and that yow lykwayes signiefie our pleasure touching this purpose to the Lordis of Privie Counsell and Sessioun, as yow sall find occasione to requyre, that they accordingly may proceid in justice in so far as is proper vnto them: And quheras the said Francis hath bein ane humble suiter to ws that for the proveing of his fathere's possessione of suche thinges as ar claymed by him (in regard the witnessis ar of great age), a commissione to that purpos might be grantit him by our counsell for examening of thame, wee will yow to signiefie to the saidis Lordis of our Counsell, that the same be granted to him for the witnessis examinatione befor any such persone or persones they sall think fitt; for which these presentes sall be ther sufficient warrand, vnles they find sufficient reasone to the contrarie, wherof we requyre yow to advertise ws. So willing yow to caus registrat thes presentis in the Buiks of Counsell, we bid yow fairwell. From our Court of Oatlandis, 10 September 1637.

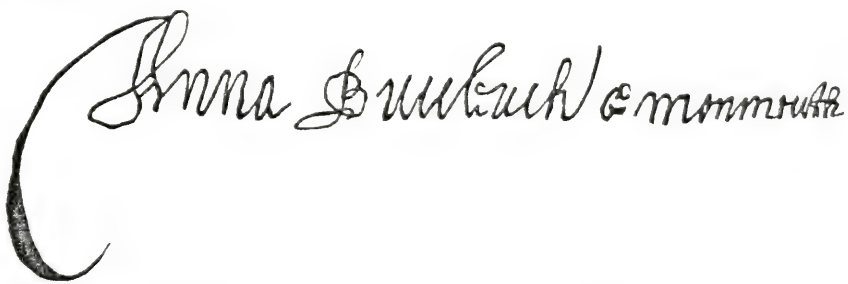
Vera copia.

J. SCOTTISTARVATT.

301. ANNA DUCHESS OF BUCCLEUCH AND MONMOUTH to her Stepfather, DAVID EARL OF WEMYSS.

London, Joun 4, 1663.

MY LORD,—I have obayd your Lordship's comands in keping of my Lady merie. She is in verie good helth, and so is all frinds hir. The Dwck is your servant. I hop your Lordship will be plesed to presant my serves to my dear sister Lady Margratt, and to all the rest of your good compnie. I hop you will be plesed to pardon thes troball from, my Lord, your Lordshep's most affectionat doughter and hombl servant,



For the Earll of Wemyss, att the Wemys, in Fyf, Sotland.[1]

[1] Original Letter at Wemyss Castle.

302. The Same to The Same.

Whethall, Januvarie 9, 1664.

My Lord,—It is so long since I had the hapinis to hir from your Lordship, that I thought nothing could a bin [so] much affiction to me as I find it is; bot still I will writ to you, hoping that your Lordship will not thenck it troblesom from me. I will give you no fordr trobll, bot that I am, my Lord, your most obedent daughtr and humble servant,

Anna Buccleuch & Monmouth

My serves to my dier brother and sister.

For the Earll of Wemyss, in the Wems, Fyf.[1]

303. The Same to The Same.

Whethall, Joun 24, 1666.

My Lord,—I thought it fit to give you this trubll of wrietn to your Lordship by Ramsay, though I should have no mor to saey then to ashour you houe much I shall alweys be, my Lord, your Lordship's most obedent daughtr and humble sarvant,

Anna Buccleuch

For the Earlle of Wemyss.[2]

[1] Original Letter at Wemyss Castle. [2] *Ibid.*

304. THE SAME to THE SAME.

Whithall, December the 23d, 1673.

MY LORD,—I have wrettn to the Duchess of Latherdall that she would yus her intrist with her brother Haton to agre the disput betwext your Lordship and him. I doubt not but she will do it; for I know she has gret kindnes for my Lady and your Lordship, whom she comends much, which non can lik betr to hear then, my Lord, your Lordship's faithfull sarvant,

A. BUCCLEUCH.

For the Earle of Wemyss.[1]

305. ANNA DUCHESS OF BUCCLEUCH AND MONMOUTH to her Mother, MARGARET LESLIE, COUNTESS OF WEMYSS.

Whithall, Desember 1.

MADAM,—I wrett to you[r] Ladyship last post, and to my Lord M., who I am verie much oblidged to, but he is so good that if I wer not his sistr in law I belive he would help me: however, my children are verie well. I wish your Ladyship wer to see them all together, for I think them a great stok. My youngest is a verie strong large child, and I blis God th[e]y are all thre as well as can be. I am, Madam,

Your Ladyship's obedent dutiful child,

A. BUCCLEUCH.

For the Countess of Wemyss.[2]

306. Six Letters from ANNA DUCHESS OF BUCCLEUCH AND MONMOUTH to GEORGE FIRST EARL OF MELVILLE.[3]

Whithall, December 12 [1679].

I AM sorey you have bine oblidged to keepe your hows by anie indesposition, but I hope by this 'tis gone. Though I would be verie glade to have that busines over with Nidsdall, yit I do assure you I nathèr exspeckt nor desir you should putt

[1] Original Letter at Wemyss Castle.

[2] Original Letter at Salton, formerly at Melville.

[3] Original Letters at Melville House, Fife.

yourselff to anie inconvenence upon my account. I am glad you will take care of the muney, and I am also of your opinion, that no place is so fitt for my papers as the Wemyss, if it may be dun. Pray do not belive the foolish reports that are now about, for this place is just as you leftt it, foulle of leys, as you may see by the report of the Duke of Monmouth's beeing poyson'd, and all that was said of a posioned letter, and he never resaved anie letter conserning it, only there was a report which nobody could give anie reason for, as ther is manie mor. My Lord Tuadell has not bine to see me since that day wee scoulded, and lookes verie grim on me when he meets me. I have bine to see the Duchess of Laudrdall, but have not hade anie ocation of seeing the Duke; but the Duke of Monmouth tels me that my Lord Tuadall torments the Duke of Laudrdall about our busines, but he is not licikly to parswad the Duke of Laudrdall to be mor his frind then ours. I belive I torment you with this long letter. Adieu.

307. The Same to The Same.

Whithall, July 22 [1680].

I ordar'd Sinclair to excuss my not wretting to you last post, when he sent the proposels for farming my esteat given in by Sir William Scot. The Duke of Monmouth desird me to wrett to my mother and your self, and old Sir William Scot, all which I intend to do by this post, and shall desir their oppinions. For my own part, I never yit was for farming the esteat, but if ther be a nesasety ther is no mor to be said against it, though it is the last thing I would chous. I hope I shall know your thoughts of this in a short time. I am in hast. Fairwell.

My service to my sister.

For my Lord Mellvill.

308. The Same to The Same.

London, February 21 [1696].

I wrett to you by the last post that I had sent the drops to you, but it seems thy cam to late, for Mr. Carstars was gon som hours or I got them from the man who maks them, but I hop or long som body will go that wee may trust with them. My Lord Rochester says he is ready to sign the papers, but when I

asked him if thy wer to his mind, he say'd that ther are two things left out of the extention which he expected to finde, which was the portion he has given, and that wee wer to procur an Act of Parliment to settell my daughter's jontur. I told him I knew not why eathir of thes wer not related in the extention, but I would wrett to S[c]otland to your Lordship, and when I had your answer I would tell him. He say'd againe if it wer only forgott he wished it wer put in, but if ther be a reson why it was left out he should be verie well satisfeed upon the knowing of it, but would sign when I pleased. I told him again by no means, ther would be no long time lost in my sending to know why the ommision was. He seems so wiling to sign, and so fair and well content now, that I thought my self bound to give him this satisfaction. He has a great confedence in Sir James Stuard the advocate; so if you pleas to gett him to wrett a short paper and sign it, why thes two clases are not nam'd in the extention, if ther be a reson for it; but if it is only out by chance, then it may be new wrettn and thos things inserted; and pray lett me know if thos papers conserning the disposing of the hunder thousand mark, and that of Nidsdal's, which you sent me up last somer, be desinged for the orignill papers. I think thy wer to durty; so if you pleas I'll send them to you to be neu copyed. I will send you both the minets of my son's contractt and the extention, that you may the beter answer my two questions. I would not desir the advocat to sign anie paper, but that you know it is the English custom, and your Lordship is somtimes better natur'd and mor complisant then I am, but now indeead wee seem all well satisfeed and sivell to other. I am half killd with this long letter. I hope your ansur will be shorter, I am so weary of this busines. Fairwell.

309. The Same to The Same.

London, April the 5 [1698].

I am so much greev'd for the death of my nephew I know not how to expres my self: indeed it was a surpriss to me, for I did hope he had been beter, for so I heard he wass. I will not troubll you much now. I pray God to comfort you and all his relations. My poor sister, I will wrett a line to her. I am as much consernd for you as one body can be for another. I am most faithfully yours,

A. B. C.

For the Earl of Melvill.

310. The Same to The Same.

London, March 25.

I am much conserned to know really how you are in your helth, for I am yit to belive you are worse then you owen to me. I will tell you why I think so: becaws you have been so long at hom, and not once gon to Edinburgh. Pray tell me honestly how you are, for I wish you mighty well. As to the new farmers, they are lick to get the old ansur from me, that I think I will never farm my estat whilst I live, and I am sure I will not do it new. You know I think it would rewin the tenants or elce I am sure opress them, which I will never do; and I am resolved no body ever shall do it whilst I live. I think my self sure of your aprobation in this matter, knowing you to be both just and good natur'd. You never answerd me conserning Gorenbury's letter. I wish you all helth and happines. Adieu. A. B. C.

For the Earl of Melvill.

311. The Same to The Same.

London, August 14.

I did wrett in answer to your long letter, which I resaved with the papers in relation to my son's contracte of marage; but I have since considered that the date of his contract can hardly be altered, for all the world knows when he was mariy'd, without it be uswall, which you know better then I do; however, if you pleas, I would be glade that all the lawers who are of one mind, and have wrettn thes papers you sent, would wrett a litle paper of derections conserning the signing of this contractt, and, in short, give the reasons why anie word is altred in it, or the date, and to sett their hands to that paper, which you know is the custom here. If they do this in anie reasonable time it will be well, becaus my Lord Cornwallis is in Sufolck, Lord Rochester at Neupark, and myself and famely at Moorpark; only for this day or two here in toun alon I am. Now if this paper is drawn and sent up in a fortnight or three wicks, by that time wee shall all meet, and I think his colricque Lordship will have no objections to mack, for I shall have that to say that I can not, nor will not, do anie things but as my own lawerys derects, and their hands at a paper of derections will be so agreeable to the maner here that I hope it will end all this busines with him, whom I hope

never to have mor to do with, for I never saw anie body lick him, for without this way be takn I sopose wee shall never agree, since I am resolved to yeald nothing upon his account that he can proposs, but will do just as the lawerys advises, and have no mor dealing with so pasinoat a body. It would be to tedious to wrett all our disputs; but if ever wee meet, as I hope wee shall, you will lawgh at the discription I can make of all this busines. A long letter always turns my head rownd: I wish this dos not so to yours.

Pray lett this paper be wrettn, and ther hands at it, that I may be no mor troubled with his strang way of prosiding, for I am sure he must end it when he sees thy order how it must be, for he can not disput with laweyrs.

I am your honour's humble sarvant.

312. Eight Letters from Anna Duchess of Buccleuch and Monmouth to David third Earl of Leven.[1]

London, May 20 [1696].

I thank you for your letter, the mor becaws I know your good Lordship to be the lazeyest body living at wretting. My sister Wemys complains most horiblly of you,—not that I was desir'd to say so. I have wrettn to your father to desir him that ther may be a cunsultation of lawyears, to see if, whan my contrack was reduced amongest the rest of the articals what relats to my eldest son was to stand or was mad null with the rest. Sir James Stuart sayd it is, when he was here. I belive Mr. Grame will contridectt him, to show he is of Sir P. Scott's opinion; but pray, my Lord, as you would oblidge me, lett not this be delay'd, and caws the lawyers sign ther opinions with ther own hand, else it will signefee nothing here, it beeing the English custom to sett ther hand to ther opinion, else I would not desir it, and lett it be sent inclos'd to my self, that I may first read it. It is verie inconvenient to me to be thus long without it, since P. Scott's paper has been amongest wss here. I sopos this will sett all things right out of debatt, if it be so as thos who wer then here thought it. My sarvice to your Lady, and blissing to your children. I am your most affecnoat aunt and humbll sarvant, A. B. C.

I am verie sorry for the deth of my young nephew.

For the Earl of Leven.

[1] Original Letters at Melville House, Fife.

313. The Same to The Same.

London, March 28 [1700].

Though this letter will be longer on the road, yit I belive Mr. Smith will deliver it safe, which I find the post dos not. I did ansuer yours which did acquaint me with Lady Elho's death: for, if you remember, I say'd in that letter of yours you mention'd another about her which I never resav'd from you. I wrett to you in a day or two, and to my sister Wemys, and to Lord Melvill, and to Lord Tarbat; but my nephew Elho did not wrett to me ever in his life. If your father is not well, sure the Bath in England would do him good. I have som thoughts of being in Scotland this somer if the King will pay me my jointer; but he is now owing me six thousand pounds. I am loth to leve this till I am a litll setteld in that sort of payment. I have ordared this bearer to send me a drawght of Dalkeith, that I may see what fornetur I must send from hance, for I think this would be a good time for me to take that journay, and parhaps the mor nessarey becaws of Scrimshur's death. Tarbat urett a bantring letter to me, and I wrett just such another to him; but my sister did not naim him in her letter to me, so I shall mak no serious ansuer to him till she owns it, for I think it should have bene from her self that I should first have heard of it. Everie body here that knows them both, laughs at it. She should not pretend her children are undutifull, for no body belives thy are so. I must aske som questions conserning my journay, if I do undertak it, about furnuter and clothes, for I am the greatest stranger ever waint to ther own cuntray. You will hear from me by the post befor this coms to your hands; but I would not wrett all this stuff that way, lest it should be seen. I find the advocat and presedent was verie carles when thy drew thos papers at London. Pray lett me be safe in the wording of them.

314. The Same to The Same.

London, May 9, 1700.

It is so uncertain if you get my letters that it almost discurages me to wrett, tho Nairon still says he has answers of his which incloses myne. I find by your last you resav'd myne by Mr. Smith. I shall not mack anie neu furnetur for Dalkeith, exceptt I live to buld a neu hous. I may mak him send the draught of the rooms as I derected him. At last I had a letter from my sister Wemys, dated

the 28 of Aprill. The last line of it was she belived she should be marryed to morow or next day. A hansom warning for a sister of a thing of that consequence: it shows such kindnes to me. But I shall hear the busines is over befor I wish joy. I did answer all the letters he urett of it to me, but I sopos [he] did not lick my letters, so say'd they miscareyd. I urett to your brother to talk car of me, which I doubt not but he will do; but Lord Tarbat wrett to Nairon to stope som money in the hands of som drover, but the derections are verie imperfett, he knows not how to executt it. It is som money they fear is lost, but how Scry[mseour] could give money to anie drover, and not sett it doun in his books, I know not. I am glad you will be at Edinburgh, becaws I hope you will hasten the papers of my daughter's contractt and Harry's busines, with such an acquitence as he must give me, for I have pay'd him eightteen thousand pounds. Your Lordship is verie wereey by this time. My sarvice to your fair Lady. I wish her a good deliverance. Fairwell.

315. The Same to The Same.

London, May 20 [1700].

It is not so fare from the Castell of Edinburgh to that of Dalkeith but you may helpe me out with your adviss, and if Mr. Smith would sett ten men at work, you may make him sett twenty. If my frinds has a mind to see me, and will gett som money to pay the work, then it will go merilly on, as I shall my journey to my own countray and frinds, if they have not all forgott me. Pray lett what can be don be sett about soon, or a good reason why not. I am in the greatest hast I ever wrett in in my life. Fairwell.

316. The Same to The Same.

London, August 9 [1701].

I am affray'd som of my letters has miscarey'd, since I find by your last you hade not resav'd one I urett conserning daypar and cours sheets for the stable men, and landrie and hous maids. This is all verie familiar stuff. I hope non of the moab will com to meet me; but, for p[e]opall of quallety, I shall think it dos me honour, so they do not trouble them selues to go but a verie little way.

You will wonder at my fancey, but I have a reason for it. Som popall has indevored to make it thought I never desir to be acquainted with my own countray men, which is not so, for I never avoided anie who would be sivall to me. You have my reason, in short, why I refuss non that cars to com, as I say'd befor, for a litle way. The shipe sets out on Munday or Tieusday. I hear no neus of my marball, but I hope well. I belive my son will not keep his apartment long, for I have a designe upon that sid of the hous, which you shall know when I see you. I am glade your lady is better. Fairwell, my good child, for so you are, since you take such car of my busines. I may tell Elho I thank him for his one letter, but he should have ansured mine.

For the Earl of Leven.

317. The Same to The Same.

Edinburgh, January the 7th [1702].

I was verie glade to resave a letter from your Lordship, to hear you had got safe to London; but I am conserned to finde my Lord Tarbat should not use the same sivility to you as others dos. It is but dull expresions one maks to ons frinds when things happns contrary to what is wished, and a body is so ins[i]gnefecant as not to have powr to helpe anie thing that is amiss. I shall ever wish you well, and hope yit to see you happy in all your conserns. All frinds here are well. Adieu.

For the Earl of Leven.

318. The Same to The Same.

Edinburgh, January the 16 [1702].

Being so near the close of Sir P. Scot's busines, and sevrall others of that nature, I did discours with your father of what has been spoken of verie much in this toun conserning the bargain betwxt you and me; but finding that discource verie displeasing to him, as your brother can inform you, I did resolve to wrett to you my selfe, becaws I think wee are both of one mind and intention in this afair; that is, neither of uss to be great loosers nor gainers from each other, as

you say'd to me upon the delivery of the bond, you did not intend to make any advantage to your selfe, which I belive, though I wonder my Lord Melvill should tell me he would give a thousand guines to be off this bargain. But to the busines. I am apt to belive the lawyears has not worded the papers right, since they includ what ever is due to me, besides the arrears you shewed me, which far exceeds the six thousand pounds; for the ballance of Wall's, Fanash's, and Macarter's accounts, which you left with me, amounts to three thousand eight hunder pounds, which you told me wer all the arrears you wer to resave, which ought only to have been mentioned in the wrettings. What I complain of is whairin they differ from this, which maks it look as if it wer true what people say, that I have given all away except the curent rents by this bargain: so it maks sevrall of my afairs at a stand, till wee have this mater explained; and I think the sooner and the priveter this busines be adjusted, the better for uss both. You know how tender I was of you when I thought only Scrymsur's debt was ment, and offered to give you a wretting under my hand to secure you so far as his debts should com short of the six thousand pounds he ought me. So ill a lawyer am I, and so litll being sayd to me of the arrears, my Lord Melvill naming it but once to me, and sayd they wer about three thousand pound. I wish I could have put all this stuff in feuer words for both our eas. I am, my Lord, your most affecnoat aunt and humbll servant, A. B. C.

319. The Same to The Same.

London, September 26.

I wrett to your honour on Sauturday last conserning an affair you ansurd befor you could know of the chalang, for I have resav'd your letter with two bills, of nin hundred one, of one hundred the other; as for Dead Watter, I can not yit ansur you till the Duck of Somersed com to toun. I will say nothing of your father. My nephew will give you the best account of him. I think he looks well. If his arme gets well again, I hope he will return a sound man amonget you. My nephew Elho and I have bene talking freely all this day. I am sorry for som things. Adieu to you.

For the Earl of Leven.

320. ANNA DUCHESS OF BUCCLEUCH AND MONMOUTH to LADY ANN WEMYSS, COUNTESS OF LEVEN.

Mews, Jully 23.

I HOPE my dear Lady Leven is well anough by this time to read a short letter, and this may well be so, since I have no other busines but from my heart to wish you all joy and hapiness with my litll neece. I am consernd for you as if I wer your mother, and shall be as long as I live your most affectnoat aunt and humbll servant, A. B. C.

For the Countess of Leven.

321. Seven Letters from ANNA DUCHESS OF BUCCLEUCH AND MONMOUTH to GEORGE VISCOUNT OF TARBAT, FIRST EARL OF CROMARTIE.[1]

Mewse, July 26, *circa* 1686.

I HOPE you will take such car of my busines of the resignation I have made to the King, that it will soon be all don. It was verie readly consented to by his Maiesty, and verie kindly he spok to me, which I do valow verie much, and indeed he has ever shown me much favor in what ever concerns me. I am sure I take [it] as I owght to do. Yow see what you draw upon your self by resaving my letters so patiently; for I wrett now, tho I have nothing of particular to say, since, as for this affair, you will know all befor this coms to your hands. I am,

Your Lordship's most humbll servant,

A. B.

For my Lord Tarbatt.

322. THE SAME to THE SAME.

Mews, February 21 [1691].

THE letter I writt to your Lordship on Tuesday last was wrett in such hast I could not be so particular as I would have been, tho I did then tell you what my Lord Melvill say'd conserning the minister of Dalkeith. One Mr. Mein is pro-

[1] Original Letters in the Cromartie Charter-chest.

pos'd to be thair, who, he says, was browght to you. Now, if you think him a fitt person I shall be glade, becaws my sister knows him, and comends him much, as I told you in my last. It is long since my Lord Melville should have spoken to me of this man, but he forgott it. Pray ordor this as well as it can be, for if I may not absulutly chous, I would, however, have the best of the gaung. All thes peple are strangers to me, so I need your assistance the more. Pray, my Lord, do somthing to the wood at Dalkeith Park, for now my wonderfull diligent servants begins to desir ther may be som car taken. I uish your Lordship all happiness, and am,

Your humble servant.

For Haick, pray, chous the best, that they may not be without one.

For my Lord Tarbatt.

323. The Same to The Same.

Edinburgh, February the 16th, 1703.

Hearing so much of our countray men's beeing to return, it was verie naturall for me to inquair of my sister when wee should see your lordship. She tells me you are to provide coatch and horses, in order to which she was to return som money to you. I told her I would give Mr. Chalmer ordars to offer one or two hunder pounds to you when you ordar him to paye it, he having som of my English money in his hands. I hope you will have a good journey to this kin[g]dom, wher you will be most wellcom to

Your Lordship's most humbll servant,

A. B. C.

324. The Same to The Same.

Edinburgh, January 18, *circa* 1704.

I have not troubled your Lordship of a long time, being taken up with your frind Isabela, who has got the smallpox, but verie well, and as merry as ever. I sopose my son told you what I wrett about my nam being in the plot, becaws Captain Fraswr say'd her Grace in a letter to Mak Clowd. Now, I should think

he was liklyer to wrett of the Duches of Queensbury then me, becaws her Lord and Leven was corasponding with him ; but I fear no falce accusations, becaws I do not desarve true ones. I wrett latly to my sister, who I hope keeps her health in your cold lodgens, which yit must stand warmer then either the Wemys or Royston. I am, most affectionatly,

Your Lordship's humbll servant,

A. B. C.

For the Earl of Cromarty.

325. The Same to The Same.

London, August 1st, *circa* 1705.

In your Lordship's last you tell me the Duke of Atholl desirs to see Dalkeith. Pray, if it is not to late, prevent his going ; for should he take that freedom, I know not who can be refused ; but if nobody gos, no bodey can take it ill that my hows is locked up, as I did positively order it to be, becaws it is so near Edinburgh, that peopl would take the aire that way, if parmitted, which will not be in my time till I go myself, then all shall be welcom who visits me. I have say'd abundance of this—therfor no more, but wish uss a good meeting, and all happynes to the Earl of Cromertie.

For the Earl of Cromertie, att Edinburgh, Scotland.

326. The Same to The Same.

Dal[keith], September 13 half 5, time and place [1709].

I am glad of the victorie, but, as your Lordship dos, so do I, heartily lament the Marquis of Tilibarden. I shall be glad to see you, be it when it will that we meet. Remember Mr. Setton, and never forgett your humbll servant,

A. B. C.

Lett me know when all your busines is over, then wee must get Prestonhall, and I shall be content.

For the Earl of Cromertie, Edinburgh.

327. THE SAME to THE SAME.

London, September the 12, 1713.

YOURS of the 1st and 4th I have received. As to this new purchass of Musltoun, I am to be advised by my friends. If it be a fitt bargin I am ready to acceptt of it, but if it is only a fether, as you your selff tearmes it, I would not give one straw for one fether. Pray speak with Lord Royston, who has a head like his father, and speak with Lord Poltoun, who knows all my settlments on my younger children. Lett him and your Lordship consider if no inconvenience can fall out in regard to thos great somess I have loaded Francis with at my death; for had I not five younger children to provid portions to, I would scearce aske my wiss counsall one question about this purchas: buy it would be the word. But as the cass stands, pray, my Lord, consider what your three Lordships should advise one who relays absalutly on your judgments. Lord Poltoun, I am sure, remembers my setlment. Mr. Dongworth wretts by this post to know what I can leagely do with Robert Scott, for turning him away is not sufficent for such a crime. You are to good-natured, therefor do not answer me about this your self, but lett som of my more reasonabll frinds say what can be don with him to make his punishment publick, that people may see I have the utmost dislick to Robinson's ways, and all who adhears to him. Pray lett this be ansured soon, but not by the Earl of Cromertie, to whom I am

A most humbll servant,

A. B. C.

328. Nineteen Letters from ANNA DUCHESS OF BUCCLEUCH AND MONMOUTH to SIR JAMES MACKENZIE, LORD ROYSTON.

London, February the 23, 1719-20.

MY LORD,—I belive my Lord De Lorain's way of proceeding might be a greater surprise to my freinds in Scotland than it was to myselff. The history would be to long to troubll you with now. All I shall say is, that I must defend myselff as well as I can, and I do think I do not want weapons. I would not blame any person for demanding what is due to them, but this I am sure of, ther never was a law against decency and good maners; so his Lordship would have lost nothing by treating his mother the ordinary way in thes casses, by giving his clame first to me by a massage, since it is allmost a yeare that he has not beene in

my hows. He is now acting the old Scots proverb—'ens wod an' ey the war.' He has had twenty-four thousand pound in money from me; and, since I lefft Scottland, building and furnshing his hows at Leadwell has cost me upwards of nine thousand pownd. I sopos he dos this to give me opertunity of exersising a noball quaility called patience. However, I must not weary yours to much by adding more words to this. I am your Lordship's most humbll servant,

BUCCLEUCH.

329. THE SAME to THE SAME.

London, 2d February [1720].

MY LORD,—I belive few people in the worald has ther time at ther own command, but in this town I am sure non has, otherways I had wrett to you som weeks befor this, to inform you of a most agreeable undertaking I am about, which is, to see my Lord Dalkeith marid to his own satisfaction and all the frinds he has in this kindom. It is to the Duke of Dugllas sister, Lady Jean, whom I had heard much comended before I saw her, and since that she has lost no ground with me. I think her person verie agreeabll, and my great projectt of having my grandson no stranger to his own country, is in all liklyhood not to be disapointed by marying a Scotts lady. Tho' I have lived the greatest part of my life in England, you see I am not croupted so as to love any part of the worald so well as my native country. The Scotts hart is the same I brought to England, and will never chang, as I find by long expirience; nor shall my obligations to you ever be forgoten by, my Lord, your most humbll servant, A. B. C.

Pray excuss thes blotts, I urett in hast.

For my Lord Royston.

330. THE SAME to THE SAME.

London, March the 4th [*circa* 1720].

MY LORD,—Mr. Somervill has acquainted you with my disapointment in the marage of my grandson. Her nobll Grace of Queensbury I imput it to, becaws she has the same fait which some others has in this worald, more powr than th[e]y deserve. If you are so good as to go to Hawick this land setting, I hope that good aire will agree with you, otherways I would willingly stand by the loss

I shall sustain by your absence. Lest I should be troublsom to you, I have of late wrett seldomer then usswell. I am, my Lord, your most humbll servant,

For my Lord Royston.

331. The Same to The Same.

[*Circa* March 1720.]

My Lord,—In my last I answred your Lordship as to what you wrote concearning Lord De Lorain's most wise and comendable proceeding. I have allready retain'd Mr. Kennedie and Mr. Dundass. As to my Lord Traquair's busines I have nothing to say, becaws I know you will do what is proper. I finde no tenant is yit got for R[obert] Barr's farm. I wish to know whither it be better for that and the coal works to be lett together, and how I shall be pay'd his arrears due to me. I hope you aprove of my Lord Dalkith's intended marage with the Duke of Queensbury's sister, Lady Jean; my last letter was to long to aske this question. You represent your father in taking so much pains in my concearns. God reward you. Fairwell.

For my Lord Royston.

332. The Same to The Same.

London, May 30 [*circa* 1720].

My Lord,—I knew not of your return to Edinburgh till Mr. Dongworth informed me with the post of yisterday. Ther cam also the memorill concerning the honours and estate of my familly. I am not wise enough to say more of that matter, but will as soon as I can send the answre of ther oppinion here about it. As I think all affairs are best in few hands, so this is to be seen by none but Mr. Hamiltoun and Mr. Lesley, who are acquainted with all already, and was unavoidably so, upon the account of the Pearage Bill, for you must know the exalent Earl of Ialy was pleased to search all the records to find in what maner my tittles wer settled, to shew his grace and favour to Lord De Lorin, and waint about to the wholl Hows of Pears telling them Harry would be Duke of Buccleuch, if

Frances had not hairs-male; so ther was a nessetty for this inquirey. As for desiring an Act of Parliament, it 's not proper, and since the Vnion it cannot be don; and all I desir to know is what may fall out in all events and I shall rest contented, as knowing, as it is, so it must remain. God bliss Franseis, and give him sones and no daughters. Forgive this long letter, and belive non can wish you more happynes then I do. I am, my Lord, your Lordship's most humbll servant,

BUCCLEUCH.

333. THE SAME to THE SAME.

London, Jully the 30th, 1724.

MY LORD,—I wrett so latly to you of my unlucky debts—I call it myne, becaws I lend Lord Dalkeith the money to pay them—so I shall say no more of that matter, but that I will not lay out more money about this present work at Dalkeith then I needs must to finish the stars, tho' I would willingly see sevrall drawghts for the courts, and also know what the expence will be, which I may take time to think off. Your Lordship is in the right to think I do not wonder at the stops Colburn meets with in the mesurs of the stars. I know old walls are seldom even: so long as it can be remeaded wee must have patience. The only inconven[i]ence is retarding the work, which maks it more expensive. Without being a Highlander, I belive I should think the Hills of Liddisdale as plesent as your Lordship did; for I really long to be in Scotland again, to tell you by word of mouth how much I am, my Lord, your Lordship's most humbll servant,

BUCCLEUCH.

For my Lord Royston.

334. THE SAME to THE SAME.

September the 4th [1729].

MY LORD,—I know by experience your Lordship's friendship to me, therfor I am sure you will regreat the afliction I have for my grand daughter, Lady Dalkeith's death, who deyd on Sunday morning of the small pox, at Langly. I must say she was as good a young womon as ever I knew in all my life. I never saw any one thing in her that I could wish wer otherways. She had two sons and three dawghters, all living, and fine children. I shall allways be to your Lordship a most sincear and most humbll servant,

BUCCLEUCH.

Sept. 9th 4

My Lord

I know by experience your Lo^ps friendships to me therfor I am sure you will regreat the affiction I have for my Grand Daughter Lady Balkeiths Death who deyd on Sunday morning of the small pox at Langly I must say she was as good a young womon as ever I knew in all my life I never saw any one thing in her that I could wish wer otherways she had two Sons and three Daughters all living and fine Children I shall allways be to your Lo^ps a most sencear and most humble servant

BULLEUN

My Lord

The greatest compliment I can return to you must be in your own sets saying, that I do find you do equall your forbears in your frindship to me as well as many other quaillitiffs which would make this letter to long for one who has not used a pen since my late illnes till now, I hope Young Whitechester will be as I am, to you and yours a most humble servant

WBC

London
March 5 18

335. THE SAME to THE SAME.

London, March 11th [no year].

MY LORD,—The comision that was sent here for a Clerk for the Regality of Muslebrugh is, before this time, I soposs, arived. If the person of Yarow be of such a turblant spritt, we should preach patience to him, and justice; for it appears he wants both, otherways he would not covitt his nibour's grass, nor take upon him to adviss turning out a tenant to pleas him. Mr. Somervill has given intimation that your Lordship will be so good [as] to be at land setting, which is a great good fortun for me. I have much reason to thank you for manie good deads don to, my Lord, your most humbll servant, A. B. C.

336. THE SAME to THE SAME.

London, August the 5th.

MY LORD,—It is not strang that I put intire confedence in you affter all the trubll you have ben so good to be at upon my account. I dare say you have not yit found the Act of Parliment which Lord Ielly asserted was made at my marage with the Duke of Monmouth: so, till that Act is found, wee shall have no lead. I hope we shall get a good schoolmaster for Dalkeith: it is not only for the good of the town, but of great consequence to the young men. I do not know if Gererson's accounts has been taken in. I hope your Lordship will ordar it may be don. I am your Lordship's most humbll servant, A. B. C.

For my Lord Royston.

337. THE SAME to THE SAME.

London, March the 18th.

MY LORD,—The greatest compliment I can return to you must be in your own Scots saying, that I do find you do equall your forbeers in your frindship to me, as well as many other quaillitys, which would make this letter to long for one who has not uesed a pen since my late illnes till now. I hope young Whitechester will be, as I am, to you and yours, a most humbll servant, A. B. C.

338. The Same to The Same.

London, August 14th.

My Lord,—By yours of the 6th, I find you are resolved to purches half Scotland. I own it will be for my cridet, when I am dead, that I have improved my esteat, and that I have made chois of so good a friend to relly on, whos frindshipe I absulutly depend on. I am verie glade your Lordship aproves of Mr. Somervill's transactions, whom I think well deservs comendation. When I am quitt out of debt, I shall think myself oblidged to take particular notice of his managment. Few can furnish St. Boswel's Faire with sheep better then I can; but, after this, be not temp[t]ed to purches more till I am out of debt. I am, my Lord, your Lordship's most oblidged humbll servant, A. B. C.

339. The Same to The Same.

London, December 14th.

My Lord,—I am verie glade of the good account your letter of yisterday brought me. Tho' it is a melancoly victory against a son, yit I own I am much sencabll that the worald will see I have not been a wicked parrant. Now, my Lord, I must desir you to be at so much troubll for me to see one thing parformed, which is, that my lawyers are rewarded as th[e]y should be. You know better than I do how to derectt it. Just as I was reading your letter yisterday, Mr. Fraser cam to see me. If he has not been considred allready, pray advise what will be proper for me to give him, which may be don now he is here. I am afrayd Lord Ilay is growing to be good. Justice is a good quaility. You must not be troubl'd with to long a letter. I did ordar Mr. Leslie to answer Mr. Somervill about the Chamberlain for Dalkeith. The Beally can well advise whom. I am a stranger to both. I am your Lordship's most humbll servant.

340. The Same to The Same.

London, May the 23.

My Lord,—I must begine this with answring the last paragrave of your letter, which is so verie oblidging to me and all my generation that thanks is not enough to return; nothing less than blissings will be proper. I shall now tell your Lordship why I tooke the resulution of borowing no more till (as you say)

old scors are clear'd, which has ocationed Dalkeith to be in my debt so great a sume, which I can dispose of whair I think fitt at my death. Now, if Mr. Somervill keeps his promis, this great debt is allmost clear'd (and if so), you shall be obay'd. I must tell you I have observed your poloce. Tho' you say what t[h]e rentt is of this estate in the Forrest which Harden will sell, yit you have not sayd what the purchas will cost, for fear of frighting me. However, I own I long (that is Inglish), but I green (that's Scotts) to hear more of this proposell, since either in the south, or about Dalkeith, I am happy to purchas. I thank your Lordship for buying that peece of ground at Hauick. 'Tis most convenent for me of anie thing belonging to that litll howse. You are not positive enough in your advice concerning another minister at Dalkeith. I know you hate long letters. Thanks is a shorter word than the name of your Lordship's most humbll servant.

341. The Same to The Same.

London, Jan[ua]ry the 15.

My Lord,—I am so fearfull of loosing my authorety that I must desir your advice whither I may grant what Mr. Robert Mutter, the Moderator of Dalkeith, has desired in a letter to me, which is by this post sent to Mr. Somervill by Mr. Leslly, who understands the busines no more then I do. As for the incressing the minister's sallrey, I am content to contribut, providing ther is no powr clamed by thos good men but what they have a right to. I am ever, my Lord,

Your most oblidged humbll servant,

Buccleuch.

342. The Same to The Same.

London, Jully the 30th.

My Lord,—I delayed answring your last, thinking I should againe hear from you affter the land setting. But no more of this, I having a busines that is neu to your Lordship to impart to you. My Lord Rothes has desired me to put an end to the long affair depending betwext uss in a freindly way, which I have accepted of. Now, my Lord, I do belive Mr. M'Cloud and Mr. Somervill can inform you of the wholl matter. The way wee think proper to proceed in, is to chouss one freind for each to debat the matter—I chous my Lord Royston. But now to be in earnest: if this is to great a troubll, pray advise me who to chous, for I think

it is proper to be a person of concequence. I belive both the Precedent and Justice Clark are excluded this determenation. I confess I am desirous to know what the law would give me, tho' I do realy intend to be kind to so near a relation. However, I would know what he will have to thank me for in the composition. I wrett a litll positivly of the justice of my clame, as thinking I have right on my side, in so much that his family would be undon if the law gave it against him. But to make my regard to him and his the more apparent, I still wish to know the utermost I can demand, and then coms generosity and frindship to be proved. Tho' I have more to say, this is enough to wrett at one time. I am, my Lord,

Your Lordship's most humbell servant,

A. B. C.

343. THE SAME to THE SAME.

London, Febr. 13.

MY LORD,—My Lord Cromertie has shewed me your letter, and I am now to give you thanks for undertaking a troublsom busines for my ease, that of placing a scholl master at Dalkeith. Thuss much I say from my self, and now I am to wrett your father's words, who is sitting by me—Choos one qualifeed for the place as a scholar, and one who is not high floun upon any account: your own letter oblidges you to this, and ther his Lordship leves you. I hope by this time your Lordship has been in the Charter-room, for I would gladly have Robinson's accounts once all together, and here; and then upon fair count and reakning wee shall see how much reason he has to say I am in his debt. I belive it will prove as true en assertion as my Lord Melvill's, who say'd I was indebted to him allways, till I had the books in my possesion; and then hi had no more to say. I must defer my compliments and excusses for all the troubll I give you till wee meet. I am, my Lord,

Your humbll servant,

BUCCLEUCH

344. THE SAME to THE SAME.

London, Mar. the 3d.

MY LORD,—My beeing not verie well ocationed my imploying Mr. Lesly to wrett to your Lordship last post. I find all Lord Wemyss' friends are of my

opinion, that it is proper for him to com to London upon this misfortun of Chartros. People are parsweded the king will pardon him, since it is realy thought he had not a just trayall. Thos who are thought to get vastly by his beeing condemed wer to bussey with the jurey. Whatever his crimes are, I should be sorry to have Lady Wemys' father hanged, or indeed any man, for what he is not guilty of. I am your Lordship's most humbll servant,

A. B. C.

For my Lord Royston.

345. The Same to The Same.

London, Janu[ary] the 2d.

My Lord,—I have received yours of the 26 of last month, and am verie glad you aprove of the tearms of my last purchas, as you are a much better judge of it then I am, so your aprobation makes me think well of it. Indeed, the Queen has been verie kind to me, for it is not offten that fourteen thousand pounds are all payed at one time. And now I have named her Majesty, I am glad to tell you she is perfetly well again, and short[l]y to be in town. As Scott of Bounra's busines was proposed to me, I thought I could no otherways be payed what he owes me but by buying his land; but if ther be any dificulty can arrise from my father's Teally, I beg, my Lord, you will derectt that ther may be no more heard of my purchasing that land. By this post Mr. Somervill will show you a letter from Mr. Dongworth, wrett by my ordar. I belive you will be surprised at the maner of Laing's quiting my service, and at the time when he could be most usefull to me in Nairon's busines, and be rewarded accordingly: but I need not say more of this, since the above-mentiond letter will fully express my sentiments of this matter. I am, my Lord, your humbll servant, Buccleuch.

I do not only wish you a happy neu year, but my Lady Royston, whos humbll servant I am. Do not lett her forget me: I hope to see her befor it be long.

346. The Same to The Same.

London, Feb. the 4th.

My Lord,—I hope by the proseeding of the Hows of Lords owr friends in Scotland will see the Duke of Ar. dos not gouren as he pretends. When storis

travills three hunder mills th[e]y grow upon the jurney. I know littll of Mr. Halden, but wee all know, if the nominations of a Lords of Sesion should be his Grace's choiss, wee may well say "en's wood an ey the war." The King has exprest so much concearn in this affair, and taks it to be so great a demunition of his prerogetive, that I wish and hope you will think so also, and yeald to what in this cass will neither offend honour or con[sc]ience. If you think me verie impertinent in meddling in this busines, excuss it, becaws it coms from one who wishes above all things to have en ocation of doing your Lordship as much service as I have had obligations to you, by acting as you have don in my affairs, which shall ever be gratfully remembred by, my Lord,

Your most humbll servant,

BUCCLEUCH.

This gos by en express, and so ill wrett for want of time; pray excuss it.

347. ANNA DUCHESS OF BUCCLEUCH to [JAMES FIRST DUKE OF MONTROSE].

London, June 13 [1711].

MY LORD,—I was verie sorry to hear from my Lord Northesk of Lady Christian['s] death. She was a most agreeable child. The resamblance she had of her grandmother, and the affliction I know her loss is to your Grace and the Dutches, makes me most sencablly concearned for her. Belive me, my Lord, whatever falls out of good to you shall be a great satisfaction to me; and I hope in God I shall not any more have the ocation to condooll with you.—I am my Lady Dutches's most faithfull humbll servant, and shall be so to your Grace as long as I live. BUCCLEUCH.

Indorsed: "Duchess Buccleuch, June 13th, 1711."[1]

348. MR. THOMAS ROSS, Governor to the Duke of Monmouth, to LADY MARGARET LESLIE, COUNTESS OF WEMYSS. Oxford, 29th September 1663.

RIGHT HONORABLE,—After many obstacles layd in our way by Sir Robert Murray, Mr. Binning is at length dispatch'd only with a letter to the chancellor (which Mr. Secretary Bennet tells mee is a very kinde one), and a copy of the instructions sent to the Lord Commissioner, whose express, by Sir Robert's

[1] Original Letter at Buchanan.

device, hath gotten the start of Mr. Binning some few houres. Wee here judge the instructions to bee very firme and binding, and I hope after their perusall your Honor will judge them sufficient to secure all. I believe when your Ladyship next sees his Majesty, you will see how sensible hee is of the cheat put vpon him by Gilmore; and certainly the world will think it strange if hee, that hath put soe great an abuse upon his King, should continue President of his judicature. Wee have told all storys wee can finde of him; and if your Ladyship can supply vs with any new matter, I will bee most diligent to worke upon it. In a few houres now I hope to have the honour to see your Ladyship in London; which hope, and my Lord Duke's perpetuall hurrying up and downe, makes him command mee to present his service to her Grace and your Honour, and begge excuse for his not writing at present, believing that his letter written yesterday to my Lord Chancellor of Scotland, to thanke him for his favour in this buisiness, may excuse him for a weeke. However it bee, hee knowes your Honour will easily pardon him; and I hope noe less for my selfe, who am unalterably,

Madame, your Honour's most faithfull and humble servant,

THO. ROSS.

To the Right Honourable the Countess of Wemys, humbly present these—London.[1]

349. MR. THOMAS ROSS to DAVID SECOND EARL OF WEMYSS.
Oxford, September (1663).

MAY IT PLEASE YOUR LORDSHIP,—When Mr. Binny arrived here with such ample assurance on all hands, that neither my Lord Duke's nor the Dutchess her estate was secure in Scotland, without an Act of Parlement, I could not haue imagin'd that hee should haue stayed here soe long before hee obtain'd his dispatch. But Sir Robert Murray found vs such worke here, that although the King was fully satisfyed and resolued to doe the thing, yet Sir Robert's diligence to divert him from it suspended it all the time wee were at Bath, till now wee came to Oxford, where my Lord Chancellor hath made the King highly sensible of the cheat and abuse put upon him by those hee trusted; which I hope will in due time leaue them to the contempt of the world, which already spares not to censure them as they are; my Lord's affaire being now the discourse of the whole Court, and all men astonish'd at the insolence of those that oppose his buisiness;

[1] Original Letter at Wemyss Castle.

insomuch that even Sir Robert Murray, seeing the King now positiue in the matter, put into his Majesty's hand a paper of advise how the act should bee drawne, which Mr. Secretar Bennet shewed to mee, but made noe use of it, my Lord Chancellor and Mr. Secretar having drawne up instructions for the Commissioner to cause the Act to pass; which instructions your Lordship will see there, soe that I need not trouble you with the particulars. Mr. Binny discours'd (at his arrivall) all things at large with the King; and to say truth, gave both the honest men and the knaues their true character, and did the like to my Lord Chancellor, who hath taken a great deale of paines to effect all your desires from thence; and that soe fully, that if my Lord's enemies were surprized and troubled at the arrivall of Sir William Fleming there, they will bee much more perplext at what Mr. Binny brings. Wee shall expect, with impatience, the issue, being confident, bee it what it will, the authours of this trouble will, in time, repent it, ande find the King more sensible of it then they imagin'd. My Lord Duke acknowledges himselfe infinitly obliged to your Lordship for your extraordinary care in his buisiness, and commands mee to returne your Lordship his most humble thanks; desiring your excuse that hee writes not at this time, the gentlemen of this country soe continually employing him with visits and hunting that hee has noe leisure. My Lord Melvin hath bin soe kinde as to visit us, both at Bath and Oxford, and is now return'd to London. I haue nothing of newes, but that my Lord Rutherford return'd last week for Tangier, where hee hath made a very advantageous peace with the Moores, having had a personal treaty with the King, and hath a large territory allowed him without the towne. The mole there goes on very prosperously, and they hope to finish it in less then two yeares, having found a quarry of stone just without the towne. On Wensday next the King resolues for London, where I hope his Majesty will settle my Lady Dutchess her family before my Lady Wemys leaue her. Wee shall otherwise bee in a loose condition. I am promis'd to haue a present of greyhounds at Newmarket, and then I shall discharge myselfe of my promise to your Lordship. In the meane time I shall remaine,

My Lord, your Lordship's most humble and most faithfull servant,

THO. ROSS.

Lord Wemyss.[1]

[1] Original Letter at Wemyss Castle.

350. JOHN SECOND EARL (afterwards DUKE) of LAUDERDALE, to the EARLS OF ROTHES AND WEMYSS. Whitehall, 30th June 1664.

MY LORDS,—In obedience to your letter of the 21st June, I did acquaint his Majestie with what you wrote concerning the proces yow are pursuing for the executrie of the late Countes of Buccleuch, and I am by his Majestie commanded to let yow know that he much desires yow wold not goe on in that proces untill the Duke of Munmouth choose his curators, which will be once this session. This his Majestie desires the rather that your Lordships writes the Duke of Munmouth is concerned in the proces, and when he hath his curators his Majestie will no way stop the cours of justice.

This is all I had in command, who am, my Lords,

Your Lordships' most humble servant,

For the Right Honorable the Earle of Rothes, Lord Theasurer, and the Earle of Wemys.[1]

351. KING CHARLES THE SECOND to SIR JOHN NISBET, LORD ADVOCATE. 20th December 1664.

CHARLES R.

Right trusty and welbeloved Councellour, wee greete yow well. The curators of the Duke of Buccleuch and Monmouth have informed vs that the executors of the late Countesse of Buccleuch are insisting in a processe for soumes of money oweing to her, as falling vnder executry, wherein they apprehend the Duke and Dutchess of Buccleuch and Monmouth are concerned, as haveing good right thereto; and they do desire to know our pleasure concerneing their cariage, and that wee will appointe yow as one of his curators *ad lites*, to consult with them and plead for the Duke and Dutchesse' interest. And whereas wee have appointed the Earle of Lauderdaill, our Secretary, to signify to the curators that wee leave that bussiness wholly to the justice of our Senators of our Colledge of Justice, yet because yow was chosen one of the curators *ad lites* to the Duke of Buccleuch and Monmouth, therefore wee require yow to consult with the curators and to plead for the Duke

[1] Original Letter at Wemyss Castle.

and Dutchess' interest. Of this wee have appointed our Secretary to give the curators notice, and so wee bid yow farewell. Given at our Court at Whitehall, the 20th day of December 1664, and of our reigne the 16th yeare.

By his Majestie's command,

LAUDERDAILL.

To our right trusty and welbeloved councellour, Sir John Nisbit, our Advocat.[1]

352. KING CHARLES THE SECOND to JOHN SIXTH EARL OF ROTHES.
Whitehall, 5th April 1666.

CHARLES R.

Right trusty and right entirely beloved cousin and councellour, wee greete yow well. It hath beine represented to vs by yow, the curators of the Duke of Buccleuch and Monmouth, that it will be advantagious for his affaires that his estate be let out for the old rent, and that entries be taken from the tennents; as also, that yow have made a good bargaine with the Earle of Niddisdaill for purchaseing the right which he pretends to the barony of Langholme: both which wee do approve, and do authorize yow to proceid and finish both these bargaines. As for the dispute concerneing the executrie of the late Countes of Buccleuch submitted to ws, wee shall within few dayes declare our pleasure, haveing already taken the advice of learned civilians in the case. And wee have thought it fitt to desire that yow may endeavour to satisfy the Earle of Niddisdaill out of the heretable bonds which were due to the late Countes of Buccleuch, to the end the soumes ariseing out of the entries may be applyed for payment of debts due by the Duke and Dutches. And so wee bid yow hartily farewell. Given at our Court at Whitehall, the 5th day of Aprill 1666, and of our reigne the 18th yeare.

By his Majestie's command,

LAUDERDAILL.

To our right trustie and right intirely beloved cousin and councellour, the Earle of Rothes, our Comissioner in Scotland, to be communicated to the rest of the curatours of the Duke of Buccleuch and Monmouth.

[1] Original Letter at Biel.

353. KING CHARLES THE SECOND to the LORDS OF SESSION. 25th February 1668.

CHARLES REX.

Right trusty and welbeloved Councellour, Right trusty and welbeloved Councellours, and trusty and welbeloved, wee greete yow well. Whereas the Earles of Rothes and Weemes, as executors to the deceased Mary Countess of Buccleuch, by their submission, dated at Hallyrudhouse the 19th day of July 1665, did submitt to vs their interest, at the least, diverse particulars, concerneing the said executrie, controverted betuixt them and the now Dutchess of Buccleuch, as heir to her said deceased sister, after consideration whereof, wee gave out our finall sentence and decreit arbitrall thereanent, of the date at Whitehall, the 10th day of July 1666 yeares; and because the said submission and decreit arbitrall (as we are informed) doth not beare clauses of registration as is necessary for such writts to beare, therefore, and to the effect all partyes concerned therein may have inspection and extracts thereof, and that letters and executorialls may passe therevpon: it is our pleasure, and wee will yow to cause registrat in your bookes of Councell and Session the foresaid submission, and our decreit arbitrall following therevpon, to the effect foresaid; whereanent these presentes shalbee your warrant. And so wee bid you farewell. Given at our Court at Whitehall, the 25th of February 1668, and of our reigne the 20th yeare.

By his Majestie's command,

LAUDERDAILL.

To our right trusty and welbeloved councellour, to our right trusty and welbeloved councellours, and to our trusty and welbeloved, Sir John Gilmore, President of our Colledge of Justice, and to the remanent Senators thereof.

2d March 1668.

Producit by the Earle of Tweddale, and read in audience of the Lords, and ordained to be recordit in the bookes of Sederunt.

354. JAMES SHARP, Archbishop of St. Andrews, to DAVID SECOND EARL OF WEMYSS.

London, September 15, 1668.

MAY IT PLEASE YOUR LORDSHIP,—After I was honoured with the recept of your Lordship's of the 3d, I was necesitated to be abroad for some dayes, and

took the first opportunity to speak to the Earl of Lawderdaill and Sir Robert Moray of those two concernes mentioned by your Lordship's, and found that as to the first, the confirmation of Methill, the King's hand would be obtained to it; but they did stick at the passing of the signature for the excise of salt, upon those reasons which I haue since once or twice offered to be considered. But I cannot say to your Lordship there is hope of pravailing, though I shall not give over insisting till I part from this place, which may be about the King and Court ther going to Newmarket, about the last of this month. I had the honor to wait upon the Dutchess since her return from the bathes, and was glade to see her Grace in so good heart, though she has not fully recovered her strength. The Parliament heer is adjourned till March. Mr. Secretary Morice has lately dimitted his place in favour of Sir John Trevir, upon a valuable consideration. The King and Court are weil; and that your Lordship and noble family may be blissed with all prosperity is the prayer of, my Lord,

Your Lordship's most humble and obedient servant,

ST. ANDREWS.

I shall crave your Lordship's leive to tender my most humble duty to my Ladye.

For the Ryght Honorabill the Earle of Wemyss.[1]

355. JAMES DUKE OF BUCCLEUCH AND MONMOUTH [Address wanting].

Mets, the 23 of May [*circa* 1672].

I haue receued some letters which has informede mee of your Grace'ss generousty in undertaking to the King not only the proteccion, but the conduct of my concerns in Scotland, euen though they might seeme to cross your owne particular interest. It was a uery happy omen that His Majesty, at the uery first, thought no person so fitt to mannage and treat about my concerns as your Grace, when the marriage was proposed between mee and my wife. I shall therefore neuer make a doubt but that your Grace, who was so instrumentall to bring us together, will also bring things so to pass, that both of us may bee setled and established apon secure foundations. My Lord, I do not know how to giue

[1] Original Letter at Wemyss Castle.

you thanks enofe for your kindnes and affection to mee in this matter; therfore I cane only asur you that ther is nobody mor your humble seruant then I am, and shall neuer forgit your kindnes to mee. MONMOUTH.

356. ALEXANDER SECOND EARL OF KINCARDINE to DAVID SECOND EARL OF WEMYSS.

Whitehall, 7th February 167$\frac{3}{4}$.

MY LORD,—I hade the honour of your letter of the 27th Januar, and did let my Lady Duchesse of Monmouth know what yow say in it; who, I assure yow, understands very well both her oune affaires and all things, and is very sensible of what yow say. I beleve there is no fear of what yow apprehend from your daughter by D. Hamilton's means. Though she should be so foolish as to desyre him, yet I beleve he will not be so foolish as to medle in it. The King hardly refusith to speake to any gentleman that desyres it; but I beleve many speake to him as acceptably as his Grace doth. The partie may bray as they please, but if they have cause to do so in the end, say I have no skell. If any opportunity offer that I can serve yow, I shall imbrace it with great pleasure; for I am very sincerly, my Lord,

Your most humble and most faithfull servant,

KINCARDIN.

For the Earle of Wemys, at Wemys.[1]

357. JOHN DUKE OF LAUDERDALE as to a conversation with the DUKE OF BUCCLEUCH AND MONMOUTH.

Ham, July 22d, 1676.

MY LORD,—By a letter from the Marquis of Atholl, dated the 13th instant, I was glade to heare of your Lordship's safe arryvall att Edenburgh, and glader by a letter from yourselfe, dated the 15th (which I saw), to heare that your signator was past the Excheqer.

I doe nott doubt butt the justice of the Lords of the Session will preferr yours.

Butt the reason of my giveing yow this truble is to acquaynt yow with a

[1] Original Letter at Wemyss Castle.

particular, which I thinke may concerne the Duke of Buccleugh and Munmuth. On Wednesday, very late, the Duke of Munmuth tould me he had some papers come out of Scotland, which he desyred to show me before he wold doe anie thing in them. I received them from him, and found that itt was a letter from Sir William Scott of Hardyn to the Duches of Munmuth, by which he informed her that the Earl of Tarras' father, Sir Gideon, was dead, and that he besought her Grace to desyre the Duke of Munmuth to move the King to pass the inclosed paper in his favours, and to speake to me for expedyting itt with all speed. I found the paper to be a gift of the warde and mariage and nonentrie of the Earl of Tarras in favours of Sir William Scott for his behooffe.

On Thursday, in the forenoone, I went to wayte on the Duke and Duches, but both wer abroad. Yett, at the King's dynner, I mett wyth the Duke, and tould him what the papers wer he had given me, of which I found he knew nothing. I tould him that the paper was wholly for the Earl of Tarras' advantage, who hes pretensions againstt his Grace to a great value, and that I thought itt was nott for his interrest to putt the Earl of Tarras outt of the King's reverence; that I had no concerne in the matter butt only for his interrest; that I thought itt wold be tyme enough to doe such a favour to the Earl of Tarras eftir his oune differences wer removed; and that I should take care should gett that gift. His Grace seemed very wel satisfied. I have nott since mett with the Duches, for shoe came and dyned here that day with my wyfe, and shoe was gone back before I came hither. Off this I thought fitt to give your Lordship ane account, and shall ad no more butt that, on all occasions, I shall striue to testifie how really I am, my Lord,

Your Lordship's most humble servant,

LAUDERDAILL.

My humble service to the Countess of Weems and to my Lord.[1]

358. JAMES DUKE OF BUCCLEUCH AND MONMOUTH to MARGARET COUNTESS OF WEMYSS.

London, 25 October 1677.

MADAM,—You can not inmadgine how troubeld I am that you should beliue it is possible for mee to forgitt you. I doe asur you that would bee one of the

[1] Original Letter at Melville House.

Madam Lon: 25. 8ber 77

you can not imagine how troubled
I am that you should believe it is
possible for mee to forgett you, I doe
assure you that would bee one of the
last things I should ever doe, but
you have drawne upon your selfe
such a troubell that I can not imm=
=adgine how you will ever gett off
of it, for now their will not bee
a post goe for Scotland, but will
have one of my letters w.th it to
show you how much I am and ever
will bee your most obedient and
humble servant Monmouth

For the Countess
of Wemyss

last things I should euer doe. But you haue draune upon your selfe sutch a troubell that I can not inmadgine how you will euer gitt off of it; for now their will not be a post goe for Scottland but will haue one of my letters with it, to show you how much I am, and euer will be, your most obedient and humble seruant, MONMOUTH.

For the Countess of Wemyss.[1]

359. JAMES DUKE OF BUCCLEUCH AND MONMOUTH to HIS FATHER, KING CHARLES THE SECOND.[2]

Ostend [July 1678].

This is to giue your Majestie an account that I am comme to Ostend with my Lord Howard's 5 companies, 4 of the Duke's, and a 100 of the Gards, and I beliue I shall haue the rest of the troup to-moro night. The Governer is a uery siuell man. I beliue I shall agree uery well with him. Hee makes no great difficulty of reseuing any of our men; but the town has thois priuiledges that it is impossibell to quarter aboue 500 men, for the Governer cannot quarter any soldiers upon the bourgers, so that I shall be forced to camp the rest. I reseued news to-night from Bridges that they beliued they should bee inuested to-moro morning, upon whitch the Governer stopt a Dutch regiment from going, which I mett martching out of towne. The men looked pritty well, bot for the Spaniards that ar hier, they ar the miserablest creaturs that euer I saw, and their is but 400 of them, and that is all the garison that is in Ostend, except those that I brought. I doe intend, sir, to send some men to Bridges, if I find by the news I shall haue from thens to-moro that it will not be throing of them away, and that I am sur you would not hav mee doe. I find, sir, that the Spaniards doe not care what becomes of Ostend, or any of the other tounes, if Bridges and Newport be taken For Bridges, I do belieue tis impossibell to saue it; but for Newport, if you do think it worth kipping, may bee tis not impossibell to doe it, for their is none of the French troups comme neer it yett; therfor I doe beliue you may send men time enofe to make it a very strong garison with thois that ar in it, which are about to or three thousand, but I am not uery sur of the number, for their is noe beliuing anything they say; but I am confident if Newport should bee lost, it would put them into soe great a despaire,

[1] Original Letter at Wemyss Castle.

[2] Sir Alexander Mallet's MS. Collection, vol. iii., King Charles II., No. 29.

that in spitt of any thing that I could doe, I beliue they would open the gattes to the King of France. But whatsoeuer you think of doing for Newport, your Majestie must be pleased to send mee mor men for Ostend, for I can not rely upon the men that beelong to the garison; and besids I doe not thinke that 2 thousand men is enofe to defend this place against soe great a forse as the King of France has. Whatsoeuer you doe, bee pleased to doe it quike, for one day lost is a great matter heir.

I am your dutifull

King. MONMOUTH.

360. EXTRACT LETTER from KING CHARLES THE SECOND to the PRIVY COUNCIL OF SCOTLAND. Winchester, 14 September 1683.

Edinburgh, the twentieth ninth day of September 1683. The which day the letter underwritten, direct from the King's Majesty to the Lords of his Privy Councill, being read in Councill, was ordered to be recorded in their Bookes and in the Bookes of Thesaury and Exchequor, and extracts thereof to be given to the Dutches of Buccleugh and all other persones concerned, to the effect therein mentioned, of which letter the tenor followes. *Sic suprascribitur,*

CHARLES R. Right trusty and right wellbeloved cousins and councillours, right trusty and wellbeloved cousins and councillours, right trusty and wellbeloved councillours, and trusty and wellbeloved councillours: Whereas by a proclamation issued furth by us and our Privy Councill of this our kingdome of England, the day of last past, and another proclamation issued out in our name and by our authority, by you our Privie Councill of that our ancient kingdome, it is expresly ordered (for the causes and crymes therin mentioned) that none resett, assist, or intercommune with James Duke of Buccleugh; yet wee, out off our royall bounty and gracious inclinationes towards the Dutches of Buccleugh and her children, being willing that the whole rents and emoluments of the Dutchy of Buccleugh, and others after specified, be applyed for the said Dutches and her said children their use and aliment: therefor, notwithstanding thereof for any right that we can pretend to or may arise to us of the land and estate of Buccleugh, or the rents and emoluments thereof, or any soumes of money belonging to the family, we doe allow of any payments made or to be made to the said Dutches, or any haveing order or commission from her, by the tennents, vassalls, factors, chamberlaines, or others lyable and addebted to the said Duke and

Dutches, of the saids rents, casualities, soumes of money, and others. And we doe hereby declare that none of the saids tennents, vassalls, chamberlans, factors and others, shall be quarrelled or called in question any manner of way by us, our advocat or other officers of State, for any payments made or to be made by them to the said Dutches, or any person or persones haveing her order and commission, notwithstanding of the foresaid proclamationes and the crymes whereupon the same are founded, and that untill our pleasure hereanent shall be made fully knowen. And we doe hereby declare that it is our intention and royall purpose, from time to time, to have such gifts expeded for securing the said Dutches and her said children in the foresaid estate of Buccleugh and all the emoluments thereof as shall be judged fitt to stand by law, according as we have or shall happen to have right thereunto: and to the end she and all other persones concerned may have extracts of this our letter, we ordaine the same to be recorded both in your bookes and in the bookes of our Thesaury and Exchequor, for which this shall be to you and all persons whatsoever who may be any manner of way concerned in the premisses a sufficient warrant. And so we bide you heartily farewell. Given at our Court at Winchester, the 14th day of September 1683, and of our reigne the 35th year. By his Majestie's command: *subscribitur* MIDDLETON.

Extracted furth of the Records of his Majestie's Privy Councill by me,

WILL. PATERSON, Cls. Sti. Con.

361. MR. ALEXANDER ERSKINE, Lyon King-of-Arms, to MR. INNES. Copy. 1699.

SIR,—I was caryed away by a neighbour of mine about some necessar bussienes, just as I had begun to wryte yow my opinion as to quhat Mr. Scrimgeor desires, otherwise yow had got it by the last post. The Dutches of Buccleugh's daughter by my Lord Cornwallis, being called Scott, and a member in the taylzie of her motheris estaite and title, and provided of her portion from her motheris estaite, I think it very proper she should bear her motheris armes simply. If the Dutches had had a sone by my Lord Cornwallis, alltho he had been called Scott and provided out of the estaite of Buccleugh, it might have been proper for him to have quartered in the 2d or 3d place his fatheris armes, and that for a difference from the Earl of Dalkaith. Butt yow kno we have nothing to doe with that in

this caice, for by the law of armes all daughteris or systeris of a family are allowed to cary their fatheris or famillies bearing without any abatement—and here the Dutches comes truely in the place of her father—she bearing her name and geting her estaite or portion out of the estate of Bucclewgh, ought to cary the armes of it allenarly. And, as I remember, my Lord Leven told me by the Dutches' contract or agriement at mariadge with my Lord Cornwallis, the children were to cary the Dutches' name. But I think alltho that had not been, since they doe, it is much the same thing. There is severall instances where women heiresses maryed to very considerable famillies, where their children caryed their motheris armes simply. Some examples of this nature you may see in Menestries' Art du Blazon et Origine des Armoire[s], att the foot of the page 287, page 28[8], 289, 290.

Yet, Mr. Innes, if this young lady have any propspect that she may succeed to her fatheris estaite or title, I think it may be proper enough for her to quarter her fatheris armes in the 2d and 3d place.

Your assured freind and servant,

ALEXR. ARSKINE.

362. SECRET LETTER from "J. B.," warning the DUKE OF ARGYLL of a design to assassinate him. 1715.

MAY IT PLEASE YOUR GRACE,—When I consider the many obligations I have received from your Grace's family, I should think myself the most ungratefull person in the world should I not acquaint you with a design, which, to my own knowledge, is already formed and is now carryeing on against your Grace's life. I am afraid, my Lord, of being two particular in this relation, lest I should be discovered by it, but, I hope, in a little time to have an opportunity of giving you a full and ample information, if I can be secure myself. Your Grace may depend upon it, that if you undertake this journey you will never see Edinburgh. I can name the time and place where the persons lye in order to assassinate you; and I can assure your Grace that the same Duke of Marlborough, who is at this time betraying his master to the Pretender, is contriving and abetting this inhuman murther.

I am, may it please your Grace,

Your Grace most obedient humble servant,

J. B.

NOTE on the foregoing LETTER by the Honourable CHARLES TOWNSHEND. 20th April 1760.

THE inclosed letter was given to me on the 19th of April 1760 by Miss Cockburn, daughter of Mr. James Cockburn, who found it among her father's papers. Mr. Cockburn was secretary to the Duke of Argyle in the year 1715, and continued in that office and in others given him by his patron to the time of the Duke's own removal in 1740. He died in March 1760, and his daughter found the inclosed letter within a few days after his death among his writings.

CHARLES TOWNSHEND.

April the 20th, 1760.

363. MR. ADAM SMITH, Professor of Moral Philosophy in Glasgow University, to MR. DAVID HUME, then resident in Paris. Glasgow, 12th December 1763.

MY DEAR HUME,—The day before I received your last letter I had the honour of a letter from Charles Townshend, renewing in the most obliging manner his former proposal, that I should travel with the Duke of Buccleuch, and informing me that his Grace was to leave Eton at Christmas, and would go abroad very soon after that. I accepted the proposal, but at the same time explained to Mr. Townshend the difficulties I should have in leaving the University before the beginning of April, and begged to know if my attendance upon his Grace would be necessary before that time. I have yet received no answer to that letter, which I suppose is owing to this, that his Grace is not yet come from Eton, and that nothing is yet settled with regard to the time of his going abroad. I delayed answering your letter till I should be able to inform you at what time I should have the pleasure of seeing you. . . .

I ever am, my dearest friend, most faithfully yours,

ADAM SMITH.

Glasgow, 12 December 1763.[1]

[1] From facsimile in a "Sketch of the Life and Writings of Adam Smith, LL.D.," by J. R. M'Culloch. Printed for private circulation. Edinburgh, 1855.

364. From THE SAME to [THE HONOURABLE CHARLES TOWNSHEND].

Compiègne, 26 August 1766.

DEAR SIR,—It is, you may believe, with the greatest concern that I find myself obliged to give you an account of a slight fever from which the Duke of Buccleugh is not yet entirely recovered, tho' it is this day very much abated. He came here to see the camp and to hunt with the King and the Court. On Thursday last he returned from hunting about seven at night, very hungry, and eat heartily of a cold supper, with a vast quantity of sallad, and drunk some cold punch after it. This supper, it seems, disagreed with him. He had no appetite next day, but appeared well and hearty as usual. He found himself uneasy in the field, and returned home before the rest of the company. He dined with my Lady George Lennox, and, as he tells me, eat heartily. He found himself very much fatigued after dinner, and threw himself upon his servant's bed. He slept there about an hour, awaked about eight at night in a good deal of disorder. He vomited, but not enough to relieve him. I found his pulse extremely quick; he went to bed immediately and drunk some vinegar whey, quite confident that a night's rest and a sweat, his usual remedy, would relieve him. He slept little that night, but sweat profusely. The moment I saw him next day (Sunday) I was sure he had a fever, and begged of him to send for a physician. He refused a long time, but at last, upon seeing me uneasy, consented. I sent for Quenay, first ordinary physician to the King, who sent me word he was ill. I then sent for Senac, who was ill likewise. I went to Quenay myself to beg that, notwithstanding his illness, which was not dangerous, he would come to see the Duke. He told me he was an old infirm man, whose attendance could not be depended on, and advised me, as his friend, rather to depend upon De la Saone, first physician to the Queen. I went to De la Saone, who was gone out and was not expected home till late that night. I returned to Quenay, who followed me immediately to the Duke. It was by this time seven at night. The Duke was in the same profuse sweat which he had been in all that day and all the preceeding night. In this situation Quenay declared that it was improper to do anything till the sweat should be over. He only ordered him some cooling ptisane drink. Quenay's illness made it impossible for him to return next day (Monday), and De la Saone has waited on the Duke ever since, to my entire satisfaction. On Monday he found the Duke's fever so moderate that he judged it unnecessary to bleed

him. . . . To-day, Wednesday, upon finding some little extraordinary heat upon the Duke's skin in the morning, he proposed ordering a small quantity of blood to be taken from him at two o'clock. But upon returning at that hour, he found him so very cool and easy, that he judged it unnecessary. When a French physician judges bleeding unnecessary, you may be assured that the fever is not very violent. The Duke has never had the smallest headach, nor any pain in any part of his body: he has good spirits: his head and his eye are both clear: he has no extraordinary redness in his face: his tongue is not more foul than in a common cold. There is some little quickness in his pulse; but it is soft, full, and regular. In short, there is no one bad symptom about him; only he has a fever and keeps his bed. . . . De la Saone imagines the whole illness owing to the indigestion of Thursday night, some part of the indigested matter having got into his blood. The violent commotion which this had occasioned had burst, he supposes, some small vessel in his veins. . . . Depend upon hearing from me by every post till his perfect recovery: if any threatening symptom should appear, I shall immediately dispatch an express to you; so keep your mind as easy as possible. There is not the least probability that any such symptom ever will appear. I never stirr from his room from eight in the morning till ten at night, and watch every the smallest change that happens to him. I should sit by him all night too, if the ridiculous impertinent jealousy of Cook, who thinks my assiduity an encroachment upon his duty, had not been so much alarmed as to give some disturbance even to his master in his present illness.

The King has enquired almost every day at his levée of my Lord George and of Mr. De la Saone, concerning the Duke's illness. The Duke and Dutchess of Fitzjames, the Chevalier de Clerment, the Count de Guerchy, etc. etc., together with the whole English nation here and at Paris, have expressed the greatest anxiety for his recovery. Remember me in the most respectful manner to Lady Dalkeith, and believe me to be, with the greatest regard,

Dear Sir,

Your most obliged and most humble servant,

ADAM SMITH.

Compiègne, 26 August 1766.
Wednesday, 5 o'clock afternoon.

365. THE SAME to MR. ARCHIBALD CAMPBELL, W.S., Edinburgh. Kirkcaldy, 25th December 1768.

DEAR SIR,—I have sent over by this day's post the discharge you wish for to Mr. John Ross; he is the gentleman I mentioned to you before. He will deliver it to you to-morrow, and you may either pay the money to him, or give him an order upon the bank for it. I am very much obliged to you for your friendly remembrance of me.

I received lately a letter from Sir James Johnstoune. He says he has explained to you what is Mr. Scott of Davington's claim, as heir of Rennaldburn, upon the Duke of Buccleuch. If it would not be too much trouble I should be much obliged to you if you could let me know in two lines wherein it consists.

I ever, dear Sir,

Your most affectionate humble servant,

ADAM SMITH.

To Mr. Archibald Campbell, Writer to the Signet, James's Court, Edinburgh.

[Indorsed: 25 Decr. 1768. Mr. Adam Smith about his pension and Davington's claim for Rennaldburn.]

366. [SIR] WALTER SCOTT to MRS. SCOTT OF HARDEN, afterwards LADY POLWARTH.[1]

Melrose, Wednesday, [1805].

MY DEAR MRS. SCOTT,—I am proud that the Lady of the Lake can divert an hour's pain or lassitude, though very sorry Lord Egremont should need her assistance for that purpose. The line he mentions must be a very indifferent one, for I have had repeated application for a commentary. The best I can give is that I thought the foxglove a stiff, glaring sort of a flower, no bad emblem of *pride*. As to the nightshade, you know its deleterious qualities, and it ran in my confused head that the ancients used its juice in poisoning State criminals. Bruised hemlock was, however, employed for that purpose in the affair of Socrates, nor am I prepared to affirm that my own recollection will prove more accurate in any other, though I have never enquired. In transmitting this account of my meaning to Lord Egremont, be so good as to take notice that I give it under the reservation

[1] The originals of this letter and the two following letters are in the collections of Lord Polwarth.

of my privilege to adopt any more ingenious meaning which my critics may find out for me.

I am returning to Edinburgh *au plus vite*, and I fear I shall find difficulty, from the state of official duty, to be out upon 5th June. But we shall meet and be merry in summer.

Believe me, dear Madam, truly and respectfully yours,

WALTER SCOTT.

I have a nice little foal at Ashestiel for the little cousins.

367. THE SAME to THE SAME.

Edinburgh, 25th May [1808].

MY DEAR MRS. SCOTT,—I was honoured with your letter, and will carefully attend to your instructions respecting Schetky's prints. I cannot learn that they are yet finished, although it is long since he wrote to me that they would be out of the engraver's hands in a fortnight. But printers and engravers are a very perfidious set of persons. I do not believe that the printed descriptions of the views, to which I added a few border anecdotes, are yet quite printed off.

Mr. Scott cheated us of a visit the last time he was in town, and, as we afterwards learned, had, by just retribution, almost been cheated of his dinner at Newbottle.

I have been just dismissing to press a new edition of *Marmion*, which the booksellers say is wanted instantly, so the Review has not spoiled the sale. Indeed Jeffery's flagellation is of a kind not calculated to do much harm, and has much more the appearance than the essence of severity. The specimens are carefully selected from the best passages of the poem, and the criticisms on the plan are so general, that they involve the credit of Ariosto and Tasso as much as mine. I can have no objection to be tried on such an issue. I suspect Jeffery made an odd sort of compounding between his own character and mine on the occasion, and was willing rather to amuse the public with cracking his whip than to annoy the culprit with laying on the lash.

Mrs. Scott joins in kind compliments to Mr. Scott. We hope to see you at Ashestiel in July, while the days are long and the hills pleasant.

Believe me, very truly, dear Madam,

Your obliged and respectful humble servant,

WALTER SCOTT.

368. THE SAME to THE SAME.

Edinburgh, 2d July 1811.

MY DEAR MRS. SCOTT,—Accept Don Roderic, and let charity, which hides a multitude of sins, throw a corner of her mantle over the poetical blunders of the doughty Spaniard. Report says that the Sheriff of Selkirkshire has actually bought that pleasant farm lately belonging to the worthy Dr. Douglas of Galashiels, and that he intends to build a bower there next summer. We hear one of his principal motives in making this large purchase was to draw a little nearer his kind and beloved friends at Mertoun. I have nothing to add to this gossip except that the House which Jack built will sink in comparison to the cottage which is to be built; of all which I hope we will have an early opportunity of talking, since we set out for Ashestiel on the 12th current, or next day at farthest. My best compliments to Mr. Scott and the little folks, and I am ever, dear Mrs. Scott,

Yours very truly,

WALTER SCOTT.

Willo dei gra rex Angl. Episc. Abbibus. Comit. Baron. Justic. Vicecom. ppositis. ministris. & omibus ppbis hominibus suis tam
ffranc. & Angl. salt. Sciatis me concessisse & hac mea carta confirmasse do & ecclie sce Marie de Meilne & monachis ibidem deo famulantibus
totam illam terram de Eldbedale. p eadem diuisam q nunc tenet & quietam tenet Magistri Dom Robti Auenel & Gerasim fidelis ipsius.
Ita quod de ea de eadem terra. sicut ut quod melius eadem diuisa fuerit. habeant & possideant in perpetuum. ita libe & quiete
integre & plenarie. sicut aliq elemosina libius & qiete in regno meo possidet. Confirmatum etiam & concessi eis eandem terram
in perpetuam elemosinam & libertatem ab omibus seculaib. & ab omi seruitio & consuetudine & exactione sicut filius Ingerami meo
de Gerasio & hoibus eius. his testibus. Osbto Abbe de Beldeo. Hugo Abbe de Newborde. Willo Maluesin. Richdo
de Lapuende. Hugo del Isel. Maud comite fre Regis. Robto de Gant. Hugo fidel. Richdo de Mauncher. Philippo
de Valunes. Rogo de Valunes. Waldeno filio Baldewini. Alexandro de Sancto Mauro. Begario le Maresall. Ricardo
de Maresall. Robto de Senis michel. Adam de Stanford.

APPENDIX

OF

ADDITIONAL CHARTERS, CORRESPONDENCE, AND MISCELLANEOUS PAPERS.

I.—CHARTERS. 1180–1663.

369. Charter of Confirmation by King William the Lion to the Abbey of Melrose, of the lands of Eskdale. [1180-1201.]

Willelmus Dei gracia Rex Scottorum, Episcopis, Abbatibus, Comitibus, Baronibus, Justiciariis, vicecomitibus, prepositis, ministris et omnibus probis hominibus totius terre sue, salutem. Sciant presentes et posteri me concessisse et hac mea carta confirmasse Deo et ecclesie Sancte Marie de Meylros, et monachis ibidem Deo seruientibus, totam illam terram de Eschedale, per easdem diuisas que nominantur et continentur in cartis Domini Roberti Auenel et Geruasii heredis ipsius, quas habent de eis de eadem terra: Ita ut quicquid infra easdem diuisas fuerit, habeant et possideant imperpetuum, ita libere et quiete, integre et pacifice, sicut aliqua elemosina liberius et quietius in regno meo possidetur: Confirmaui enim et concessi eis eandem terram imperpetuum liberam et solutam ab omnibus auxiliis, et ab omni seruicio et consuetudine et exactione seculari, saluo seruicio meo de Geruasio et heredibus eius. His testibus, Osberto abbate de Kelcho, Hugone abbate de Nevbotle, Willelmo Malueisin, Ricardo de la Prouende, Hugone del Seel, Dauid Comite fratre Regis, Roberto de Quinci, Hugone Ridel, Ricardo de Munfichet, Philippo de Valuines, Rogero de Valuines, Waldeuo filio Baldewini,

Alexandro de Seint Martin, Herueio le Marescal, Ricardo le Marescal, Roberto de Seint Michel, Adam de Stanford.[1]

370. Renunciation by Robert Avenel and Gervase his heir, of Four Merks paid by the Monks of Melrose in Maill for the lands of Eskdale, to make four pittances to the Convent. [1180-1198.]

Sciant tam presentes quam futuri, quod Robertus Auenel et Geruasius heres eius, pro salute animarum suarum et omnium antecessorum et successorum suorum, quietas clamauerunt inperpetuum illas quatuor marchas quas monachi de Meylros aliquando annuatim solebant illis reddere, in firmam pro terra de Eschedale, ad quatuor pitantias faciendum conuentui eiusdem loci per annum : Sciendum etiam quod abbas et totus predictus conuentus concesserunt fideliter eidem Roberto et Geruasio heredi eius et omnibus heredibus eorum, quod iste prefate pitantie inperpetuum dabuntur eidem conuentui quater per annum ; his, scilicet, diebus, die quo ipse dominus Robertus, seculum relinquens, se ex toto reddidit domui illi ; et iterum die illo quo idem ipse dominus Robertus defunctus est ; et iterum die sexta a die natiuitatis Dominice, in commemorationem anime domine Sibille uxoris eiusdem domini Roberti. Dies autem quartus est dies obitus ipsius Geruasii : Quandiu uero uixit ipse Geruasius, in potestate eius fuit, quo die uoluit ipsam pitantiam conuentui dari. Et sciendum quod in istis prenominatis diebus, in capitulo eiusdem domus, commemoratio animarum eorum et absolutio inperpetuum fiet. Hi sunt testes, Jocelinus episcopus Glascuensis, Symeon episcopus de Dunblain, Osbertus abbas de Kelcou, Erkenbaldus abbas de Dunfermelin, Ricardus abbas de Ieddewrth, Dauid Comes frater Regis Scotie, Symon archidiaconus, Glai nepos domini Roberti Auenel, Robertus clericus filius ipsius Roberti, Magister Rogerus de Neuporth.[2]

371. Charter by King William the Lion, confirming to Galfridus, son of Richard of Inuerkunniglas, the Charter granted to him by the Abbot of Dunfermline, of the lands of Balwearie. *Circa* 1204.

Willelmus Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciant presentes et futuri, me concessisse, et hac carta mea

[1] Original Charter in the Melrose Collection, Buccleuch Charter-room. Lithographed.
[2] *Ibid.*

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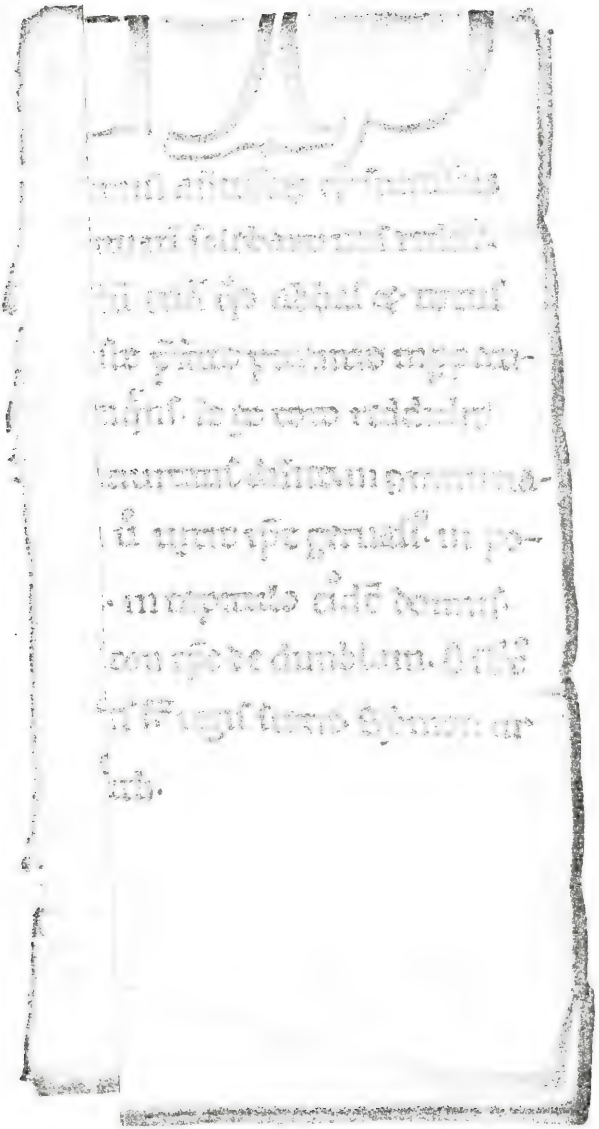


Quam rem ꝑsentes ꝑsentis fieri ꝓ Robertō dicunt et gerardi heredi eius ꝑ salutem animarum suarum et omnium antecessorum suorum et successorum suorum. Ego Clementius imperator istas quinque marcas quas monachi de magistro alienando antiqui solebant nisi redderent in firma ꝑ ipsum de illis decimis abstulerat ꝓ anima faciendum omnium illius loci ꝑ annum. Sciant igitur omnes ego abbas et totus conventus ecclesie sancte Trinitatis Rothomagensis hereditatem gerardi heredis eius omnibus hereditatibus ipsius ꝓ illa ꝑsentia ꝑpetuo in ꝑpetuum dabimus eidem gerardi quam ꝑ annum nisi solverit dicti. Die quo ipse dominus Robertus illam relinquisset de qua tunc reddidit omnia illa. Et iam dicto illo quod idem ipse dominus Robertus defunctus est. Et iam die ipsa eiusdem mutuavit dominus in gracia manente die dicti subito quasi eidem domino robert. Dicta autem quinque ego dicti abbas et gerardus. Ordinavimus ut ipse gerardus in potestate sua fuit quod die voluerit ipsi pecunia dari. Et secundum ego in illis ꝑsentibus dictis in capitulo eidem domus ad memoriam aliarum ecclesiarum et absolutione imperpetuum fuit. Hi sunt testes. Iordanus episcopus glascuensis. Symeon ipse de dunblain. Robertus abbas de kelsou. Lambaldus abbas de dunfermelin. Ricardus abbas de reddesperth. Dunadus comes filius regis scotie. Symeon archidiaconus. Glas. et ipsi domini robertus. Magistri roger de neuporth.

confirmasse Galfrido filio Ricardi de Inuerkunniglas donacionem illam quam Patricius Abbas de Dunfermline et eiusdem loci conuentus ei fecerunt de terra de Balwerie: Tenendam sibi et heredibus suis in feudo et hereditate per rectas diuisas predicte terre et cum omnibus aliis ad eam iuste pertinentibus, ita libere et quiete, plenarie et honorifice, sicut carta predicti Patricii abbatis et conuentus testatur; saluo seruicio meo: Testibus, Willelmo capellano meo, Willelmo de Boscho, magistro Nicholao medico meo, Alexandro filio Thori, Herberto de Camera, Adam filio eius, Johanne de Striuelin, Ricardo Reuel. Apud Clacmanan, primo die Marcii.[1]

372. Charter by Thomas de Colevilla, surnamed Scot, to the Abbey of Vaudey, in Lincolnshire, of the quarter of Almelidun called Keresban. [1214-1223.]

Sciant omnes presentes et futuri, quod ego Thomas de Colevilla, cognomento Scot, dedi et concessi et hac presenti carta mea confirmaui, pro salute anime mee et omnium antecessorum meorum, Deo et Beate Marie et abbatie de Valle Dei, et Monachis ibidem Deo seruientibus, quartam partem de Almelidun quod uocatur Keresban, scilicet quicquid habui inter Polleneshan, et Pollenescunt usque ad aquam de Don, ut habeant et teneant libere et quiete: Reddendo inde annuatim mihi et heredibus meis, uel cui assignauero, sex marcas argenti, ad duos terminos, pro omni seruicio, consuetudine et exaccione; videlicet, tres marcas ad festum Sancti Martini, et tres marcas ad Pentecosten. Et ego et heredes mei warantizabimus totam predictam terram, ad opus predictorum Monachorum, in omnibus et contra omnes homines inperpetuum. Et si contigerit quod dominus Rex Scotie hanc predictam firmam prefatis monachis relaxare et condonare uoluerit pro salute anime et antecessorum suorum, ego et heredes mei libenter illud concedimus, ita quod nichil umquam de eadem firma exigemus ab eisdem monachis. Hiis testibus, Domino Willelmo Abbate de Melros, Alano filio Rolandi de Galewai, Fergusio filio Vetredi, Edgaro filio Douenaldi, Dunkano filio Gilberti comite de Carric, Gileskop Makihacain, Giladuenan filio Duuegal, Gillecrist filio Kenedi, Iwano filio Alewain, Gillenef, Okeueltal, Gilleroth filio Gillemartin, Makeg filio Kyin, Gillefakeneshi, filio Gillin.[2]

[1] Original Charter at Melville House. Lithographed.

[2] Original Charter in Melrose Collection, Buccleuch Charter-room. Lithographed.

373. Charter by King Alexander the Second to the Abbey of Melrose, of the waste of Ettrick. 21st February 1235-6.

Alexander Dei gracia Rex Scottorum, vniuersis Sancte Matris Ecclesie filiis, presentibus et futuris, eternam in Domino salutem. Sciant presentes et futuri nos diuine caritatis intuitu, pro salute nostra et successorum nostrorum, et pro animabus Willelmi patris nostri, Regis Scottorum illustris, et Ermegarde Regine matris nostre, et omnium antecessorum et successorum nostrorum, dedisse, concessisse, et hac carta nostra confirmasse Deo et monasterio de Melros et monachis ibidem Deo seruientibus et in perpetuum seruituris, totum uastum nostrum infra diuisas subscriptas contentum, cum omnibus pertinenciis suis sub terra et supra; scilicet, de flumine Ethryc ascendendo per riuulum de Tymeye usque ad diuisas Nigelli de Heryz, et sic ascendendo sicut descensus aquarum diuidunt inter Ethric et Glenkery, usque ad diuisas de Esckedal, et sic ascendendo uersus occidentem, sicut aque diuidunt inter Esckedal et Ethric usque in montem que dicitur Vnhende; et inde uersus orientem sicut descensus aquarum diuidunt inter vallem de Anaundia et Forestam usque ad capud de Rodanoch, et sic uersus orientem sicut aque diuidunt inter Forestam et terram Thome de Haya usque ad caput de Copthrawerisclouth; et sic descendendo usque in Maiorem Lacum; et sic ascendendo per lacum usque ad capud eiusdem lacus, et inde ascendendo uersus austrum usque ad riuulum de Wythhop, et sic ascendendo usque ad Thirlestangate; et per eandem uiam usque ad capud de Wulfhop, et sic per sicum descendendo usque in riuulum de Thirlestan Maiori, et per eundem riuulum descendendo usque in fluuium de Ethric, et per eundem fluuium ascendendo usque ad Tymeymuth: Tenendum sibi in liberam puram et perpetuam elemosinam, ita libere, quiete, plenarie et pacifice, sicut aliqua elemosina aliquibus religiosis personis conferri poterit, vel eciam possideri; nichil inde preter solas orationes nobis aut heredibus nostris inperpetuum faciendo. Testibus, W[illelmo] episcopo Glasguensi, cancellario nostro, W[altero] Abbate de Driburch, Roberto capellano nostro, Magistro Dauid de Bernham, camerario, Magistro Willelmo de Lyndeseya decano Glasguensi, Galfrido de Liberacione precentore Glasguensi, Ingeramo de Bailliol, Johanne de Maccuswel, Thoma filio Ranulfi, Dauid Marscallo, Eymero de Maccuswel, Willelmo de Hauden, Roberto de Meyners; Apud Selechirk, vicesimo primo die Februarii, anno regni domini Regis vicesimo secundo.[1]

[1] Original Charter in Melrose Collection, Buccleuch Charter-room. Lithographed.

[illegible] in duo [illegible]. Sciant presentes et
[illegible] regis [illegible] illustris. et Ermengaudi regis
[illegible] malle de et monasterio de Ayelros et monachis
[illegible] ipsius conventum. ainsi omnibus primentis hac sed
[illegible] Hugelli de Heyr et se ascendendo [illegible]
[illegible] occidentem. Sicut aque dundunt in [illegible]
[illegible] dundunt in vallem de Anaind et [illegible]
[illegible] Hugo de Haja usque ad capud de [illegible]
[illegible] aquam. et inde ascendendo versus [illegible]
usque ad capud de Deusthop. et sic per siam
[illegible] et [illegible] omnem [illegible]

Henricus Dei gratia Rex Scotorum. Universis sancte matris ecclesie filiis presentibus et futuris salutem in domino salutem. Scitis presentes et futuri nos divine caritatis intuitu pro salute nostra et successorum nostrorum et pro animabus illustris regis Scotorum illustris et Ermengardis reginae matris nostre et omnium antecessorum et successorum nostrorum dedisse concessisse et hac carta nostra confirmasse deo et monasterio de Melros et monachis ibidem deo servientibus et in perpetuum servituris totam insulam nostram infra insulas subterraneas concavatam cum omnibus pertinentiis suis subterra et supra. Scilicet de flumine Ethrie ascendendo per rivulum de Thynewe usque ad insulas Hygelt de Herje et sic ascendendo iuxta descensum aquae Dundunne inter Ethrie et Glenkerie usque ad insulas de Eskedal et sic ascendendo versus occidentem. Iuxta aquae Dundunne inter Eskedal et Ethrie usque in montem qui dicitur Onbende et inde versus occidentem iuxta descensum aquae Dundunne inter vallem de Anaund et Forestam usque ad caput de Kodanoch et sic versus occidentem iuxta aquae Dundunne inter Forestam et terram Thomae de Haja usque ad caput de Coybri Verskouch et sic descendendo usque in maiorem lacum et sic ascendendo per lacum usque ad caput eiusdem lacus et inde ascendendo versus aquilonem usque ad rivulum de Thyrlebop et sic ascendendo usque ad Thyrlestanemore et per eandem viam usque ad caput de Deuskhop et sic per viam descendendo usque in rivulum de Thyrlestanmore et per eandem rivulum descendendo usque in fluvium de Ethrie et per eandem fluvium ascendendo usque ad Tynewynrich. Tenendum sibi in liberam puram et perpetuam elemosinam tra libe quiete plenarie et pacifice iuxta aliquam elemosinam aliquibus religiosis piorum confertur piorum aut eam possidere nichil inde preter solas orationes nobis aut heredibus nostris in perpetuum facendo. Testibus. Willelmo episcopo Glasguensi cancellario nostro. Willelmo de Dunbarch. Roberto capellano nostro. Magistro David de Berabam. Camerario. Magistro Willelmo de Lindesaya decano Glasguensi. Galfrido de Lithcorone precentore Glasguensi. Ingeramo de Lanii. Johanne de Avenesel. Thomas filio Ranulfi. David Avenesello. Willelmo de Avenesel. Willelmo de Landen. Robert de Avenes apud Edeleburk vicesimo primo die februarii. Anno regni Domini Willelmi Regis nostri secundo.

374. CHARTER by MICHAEL SCOT of Balwearie, to YVO OF BURNESCHELIS, of the land of Burneschelis. [*Circa* 1306.]

OMNIBUS hanc cartam visuris uel audituris, Michael Scotus dominus de Balwery, salutem eternam in Domino. Cum constet mihi euidenter, per instrumenta sigillata, ac per fidelem et diligentem inquisicionem fidedingnorum patrie, antecessores meos per cartam Yuonem de Burneschelis et eius antecessores de tota terra de Burneschelis ex antiquo infeodasse hereditarie; et licet aliquo tempore mota fuit questio inter me et dictum Yuonem super quibusdam articulis ipsum calumpniando; tandem cognita veritate libertatis et infeodacionis predicti Yuonis et suorum antecessorum, absit me velle aliquid contra ipsos iniuste attemptare: Quapropter totam prenominatam terram de Burneschelis prefato Yuoni tenore presencium, iure suadente, duxi concedendam, roborandam, et presentis carte mee pagina confirmandam, tanquam suam propriam hereditatem: Tenendam et habendam sibi et heredibus suis de me et heredibus meis, pro suo homagio, per suas rectas diuisas, in feodo et hereditate, sine aliquo retenemento, libere, quiete, integre, pacifice, plenarie et honorifice, internis et externis; in moris, mariseis, aquis, stangnis, pasturis, molendinis, bracinis, et cum omnibus suis pertinentiis, libertatibus, commoditatibus, iuribus et omnimodis aliis aysiamentis, tam non nominatis quam nominatis, ad predictam terram spectantibus, seu aliquo modo aut tempore spectare valentibus in futurum; absque warda, releuio, maritagio, secta curie, forinseco seruicio, auxilio et excercitu: Nichil penitus mihi aut heredibus meis faciendo, nisi homagium tantummodo: Reddendo inde annuatim mihi et heredibus meis ipse et heredes sui vnum par calcarium deauratorum, uel septem denarios usualis monete, ad festum Apostolorum Petri et Pauli, pro omnibus aliis seruiciis, calumpniis, uel petitionibus, que de dicta terra per me aut heredes meos exigi poterunt seu requiri in posterum, casu uel causa qualitercunque contingente. Ego vero Michael Scotus et heredes mei totam predictam terram de Burneschelis prefato Yuoni de eadem et heredibus suis pro predicta annua firma contra omnes homines et feminas warantizabimus, acquietabimus et defendemus in perpetuum. In cuius rei testimonium huic carte sigillum meum apposui: Hiis testibus, dominis Dauid de Wemys, Dauid de Berkelay, Willelmo de Ferselay, militibus; Adamo de Kininmonde, Willelmo de Louchor, Johanne Monipeni, Alexandro Ouiot, Marco de Stikelaw, Bernardo de Mirtoun, et multis aliis, tam clericis quam laicis, tunc ibidem presentibus.[1]

Dorso: Carta Michaelis Scoti de Balwery data Yuoni de Burntschelis in quo se ostendit virum iustum et catholicum.

[1] Original Charter in the Museum of the Antiquaries of Scotland, No. 311.

375. QUITCLAIM by MICHAEL OF WEMYSS, knight, to JOHN OF INGLIS, of Inglis Tarvet, of his third part of the Mill of Tarvet. [*Circa* 1306.]

OMNIBUS hoc scriptum visuris vel audituris, Michael de Wemis, miles, dominus eiusdem, salutem. Nouerit vniuersitas vestra nos concessisse, dedisse, et hoc presenti scripto nostro, pro nobis et heredibus nostris, imperpetuum quietam clamasse Johanni de Ynglis domino de Ynglis Tarwet, et heredibus suisque assignatis, totam terciam partem nostram molendini eiusdem Tarwet, cum omnibus suis iustis pertinenciis, ita libere et quiete quod nec nos predictus Michael, nec heredes nostri poterimus, nec aliquis uel aliqui nomine nostro poterit seu poterint, aliquid iuris uel clamii in dicta tercia parte predicti molendini in perpetuum postulare seu vendicare aliquo modo. In cuius rei testimonium presentibus sigillum nostrum est appensum: Hiis testibus, domino Duncano comite de Fyff, domino Dauid de Berclay, domino Michaele Scot, domino Dauid de Wemis, domino Andrea de Walaus, militibus; Thoma de Lumysden, Henrico de Ramsay et multis aliis.[1]

376. CHARTER by THOMAS FRASER to JOHN OF GEDDES, of the half of the lands of Ladyurd, to be held of ROBERT SCOTT, lord superior of the barony of Kirkurd. 10th July 1406.

OMNIBUS hoc scriptum visuris vel audituris, Thomas Fraser dominus dimidie partis omnium terrarum de Ledyurde, filius et heres quondam Marjorie de Farle, salutem in Domino sempiternam. Noueritis me, non vi nec metu ductum nec errore lapsum, sed mea mera et spontanea voluntate, vtilitateque mea vndique prouisa et pensata, ac cum consilio, consensu, et assensu amicorum et consanguineorum meorum, tam ex parte patris quam ex parte matris, dedisse, concessisse, vendidisse, et titulo venditionis alienasse, necnon concedere, vendere, alienare, et hoc presenti scripto meo confirmare, dilecto meo et speciali Joanni de Geddes, heredibus suis et assignatis, totas et integras illas terras meas, viz., dimidietatem omnium terrarum de Ledyurde predictarum cum pertinentiis, in jure hereditario mihi spectantes, iacentes infra baroniam de Kirkurde, vicecomitatu de Peblis, pro quadam summa pecunie mihi per predictum Joannem in mea magna exigentia et urgente necessitate pre manibus gratanter persolute et in usum meum totaliter converse: Tenendam et habendam predictam dimidiam partem omnium

[1] Original Charter in the Museum of the Antiquaries of Scotland.

...s tunc generalis Willelmus Scott dns
...son [illegible] et [illegible] Walteri Scott filii
...c et [illegible] [illegible] capitaneo ...
...inentibus omnes [illegible] [illegible] de [illegible]
...do Willelmi [illegible] de [illegible] [illegible]
...ondaunt [illegible] [illegible] in [illegible]
... de [illegible] [illegible] generalis [illegible].
...bus [illegible] [illegible] [illegible]
...on [illegible] [illegible] [illegible] de [illegible]
...[illegible] pro omnibus [illegible] [illegible] et antiquas
...[illegible] testium in [illegible] [illegible]
...[illegible] et [illegible] [illegible] [illegible] [illegible]
... [illegible] et [illegible] omnibus aliis et singulis
...[illegible] [illegible] [illegible] [illegible] [illegible]
...[illegible] in [illegible] [illegible] [illegible] [illegible] im
...[illegible] [illegible] [illegible] [illegible] [illegible]
...[illegible] [illegible] in [illegible] sive aliq [illegible]
...[illegible] [illegible] terra de [illegible]
...[illegible] [illegible] terre de [illegible] [illegible]
...[illegible] [illegible] terre de [illegible] cum pertinentiis
...[illegible] cum pertinentiis et [illegible] [illegible] [illegible].
...[illegible] [illegible] [illegible] [illegible] [illegible]
...forma [illegible] [illegible] [illegible] [illegible] [illegible]
...[illegible] [illegible] confirmationes et confirmantes
...[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de.
...[illegible] a [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible].
...[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
...[illegible] [illegible] [illegible] [illegible], Ego [illegible] [illegible]
...[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
...[illegible] [illegible] et magno [illegible] [illegible].
...[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] alius

Uniuersis sancte matris ecclesie filiis temporibus quibus fuerint ad quos presentes litere peruenerint Robertus Scot dominus de Cantelbirie eternam in domino salutem. Nouerit uniuersitas me pro salute anime mee cum consensu et assensu Walteri Scot filii mei et heredis dedisse concessisse ac titulo permutacionis tradidisse ac ipsas dono cum concessione et permutacione hac presenti carta mea confirmasse deo et beate Marie monasterio de [illegible] et monachis ibidem deo seruientibus et imperpetuum seruituris omnes terras meas de [illegible]hope ex parte occidentali aque de Temar que vocantur Glenkerr iacentes infra vicecomitatum de Selkirk inter terras de [illegible]hope [illegible] monachorum ex una parte et terras de [illegible] ex altera parte et terras de Singles ex parte occidentali descendendo quendam riuulum usque in dictam aquam de Temar et ultra eandem aquam ascendendo directum inter [illegible]hope et dictas terras de [illegible] ex parte orientali predicte aque de Temar usque ad quoddam fossatum continens duodecim acras prati quas [illegible] usque [illegible] et item descendendo [illegible] usque in supradictam aquam de Temar et inde [illegible] dictas terras de [illegible]hope [illegible] tenendas et habendas predictis monachis et eorum monasterio cum predictis duodecim acris prati per omnes rectas metas et antiquas diuisas [petito iam] prius et obtenta licencia domini superioris [illegible] plenius testatur in moris maresiis bosco et planis pasturis pratis et pasturis [illegible] et communis aquis et [illegible] piscacionibus [illegible] exitu et molendinis et multuris cum omnibus et [illegible] cum omnibus aliis et singulis libertatibus commoditatibus aisiamentis pertinentiis et iustis [illegible] tam non nominatis quam nominatis [illegible] libertatibus commoditatibus [illegible] et duodecim acras pertinentibus cum pertinenciis [illegible] ad dictas terras et duodecim acras [illegible] in feodo et hereditate imperpetuum. Sic[ut] aliquis terras infra regnum Scocie [illegible] antecessores et honorifice [illegible] possident et gaudent [illegible] elemosinam [illegible] liberius et honorificencius [illegible] mento ut condicione qualitercumque salua mihi et heredibus meis licencia piscandi et venandi in dictis terris de Glenkerr tamen pro terris de [illegible] vicecomitatu de Selkirk cum pertinenciis mihi et heredibus meis datis in excambium pro dictis terris de Glenkerr salua tamen [illegible] libertate piscandi et venandi [illegible] et eorum assignatis [illegible] dictas terras de Glenkerr cum pertinenciis et duodecim acras prati.

Dimitto [illegible] per me et heredes meos et assignatos et per presentes [illegible] [illegible] de [illegible] [illegible] in forma [illegible] [illegible] confirmante [illegible] de Cantelbirie [illegible] de Glenkerr cum pertinenciis et duodecim acris [illegible] [illegible] de [illegible]hope [illegible] monachis et eorum monasterio [illegible] [illegible] per me et heredes meos et assignatos et per presentes [illegible] [illegible] [illegible] Ego [illegible] [illegible] cum omnibus pertinenciis et duodecim acris [illegible] monachis et eorum monasterio [illegible] per me heredibus et assignatis dictas terras de Glenkerr [illegible] In cuius rei testimonium sigillum meum una cum sigillo [illegible] [illegible] [illegible] presentibus est appensum apud dictum monasterium [illegible] die mensis [illegible] Anno domini millesimo ccc[illegible] hiis testibus [illegible] [illegible] et multis aliis

predictarum terrarum de Ledyurde cum pertinentiis, ac omne jus, clameum, actionem, et juris proprietatem, que et quas habui, habeo, etc., predicto Joanni, heredibus suis et assignatis, a me et heredibus meis et assignatis, in feodo et hereditate pro perpetuo, sine aliquo retinemento, de Roberto Scot domino superiore baronie de Kirkurde et heredibus suis, libere, quiete, plenarie, integre, honorifice, bene et in pace, per omnes illas rectas metas et diuisas suas, per quas ego predictus Thomas et predecessores mei predictam dimediam partem predictarum terrarum cum pertinentiis tenui et possedi, tenuerunt et possederunt, etc.; Reddendo et faciendo inde annuatim predictus Joannes de Geddes heredes sui et assignati ad terminos vsuales, viz., Pentecostes et Sancti Martini in hieme, predicto domino superiori et suis heredibus seruitia debita et consueta tantum, pro omni alio onere et seruitio seculari, quod de predicta dimidia parte omnium predictarum terrarum cum pertinentiis iuste exigi poterit uel requiri. In cuius rei testimonium, etc. Apud Peblis, decimo die mensis Julii anno Domini millesimo cccc^{mo} sexto.[1]

377. Charter by Robert Scott, Lord of Rankilburn, of his lands of Glenkery to the Monastery of Melrose, in excambion for Bellenden. 28th May 1415.

Vniuersis Sancte Matris Ecclesie filiis, tam presentibus quam futuris, ad quos et quorum noticiam presentes littere peruenerint, Robertus Scote dominus de Rankilburne eternam in Domino salutem. Nouerit vestra vniuersitas, me prefatum Robertum, cum consensu et assensu Walteri Scot, filii mei et heredis, dedisse, concessisse, ac titulo permutacionis tradidisse, ac ipsas donacionem, concessionem, et permutacionem, hoc presenti scripto meo confirmasse Deo et Beate Marie monasterii de Melros, et monachis ibidem Deo seruientibus et inperpetuum seruituris, omnes terras meas de Wynzehope ex parte occidentali aque de Temay, que vocantur Glenkery, iacentes infra vicecomitatum de Selkirk, inter terras de Mighope eorundem monachorum ex vna parte, et terras de Etrike ex altra parte, et terras de Dalgles ex parte occidentali, descendendo quendam riuulum usque in dictam aquam de Temay, et ultra eandem aquam ascendendo diuisum inter Wynzehope et dictas terras de Dalgles ex parte orientali prefate aque de Temay usque ad quoddam fossatum circuiens duodecim acras prati, quas eciam dictis monachis

[1] The original of this charter is not now extant; but a copy is engrossed in the confirmation of it, dated at Murthoustoun, 18th February 1406-7, by Robert Scott, Lord of Murthoustoun, in the charter-chest of Sir William Henry Gibson-Carmichael of Castle Craig, Bart. The seal of Robert Scott, the granter, is still appended to his charter of confirmation: on a shield, a bend charged with two crescents, and on the upper part of the bend a mullet, which is repeated in the sinister chief point.

dedi, uersus aquilonem, et iterum descendendo uersus occidentem usque in supradictam aquam de Temay, et inde descendendo eandem donec perueniatur ad diuisas terrarum de Migehope supradictarum : Tenendas et habendas prefatis monachis et eorum monasterio, cum pretactis duodecim acris prati, per omnes rectas metas et antiquas diuisas, [petita tamen] prius et obtenta licencia domini superioris, prout carta ipsius inde confecta plenius testatur, in moris, marresiis, boscis et planis, pascuis, pratis et pasturis, petariis et turbariis, viis et semitis, aquis et stagnis, piscacionibus et venacionibus ; cum libero introitu et exitu, cum molendinis et multuris ; cum curiis et earum exitibus, escaetis, blodwytis, herzeldis et merchetis mulierum ; et cum omnibus aliis et singulis libertatibus, commoditatibus et asiamentis, rectitudinibus et iustis pertinenciis suis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam super terram, tam prope quam procul, ad dictas terras et duodecim acras spectantibus cum pertinenciis, seu iuste spectare valentibus quomodolibet in futurum ; ita libere, quiete, plenarie, integre et honorifice, bene et in pace, in feodo et hereditate inperpetuum, sicut aliquas terras infra regnum Scocie datas eisdem in puram et perpetuam elimosinam quiecius, liberius et honorificencius habent, possident et gaudent, uel gaudere et habere poterunt quoquomodo infuturum, sine aliquo retinemento uel contradiccione qualicunque ; salua mihi et heredibus meis licencia piscandi et venandi in dictis terris de Glenkery tantum : Pro terris de Bellinden iacentibus infra dictum vicecomitatum de Selkirk cum pertinenciis, mihi et heredibus meis datis in excambium pro dictis terris de Glenkery ; salua tantum libertate piscandi et venandi eisdem monachis et eorum assignatis, vni uel pluribus, ad eorum libitum voluntatis, in perpetuum in dictis terris de Bellinden cum pertinenciis. Promitto eciam pro me et heredibus meis et assignatis, et per presentes concedo, quod omnes et singule decime dictarum terrarum de Glenkery cum pertinenciis, et duodecim acrarum prati prenominatarum, a data presencium, tam presentes quam future, monasterio de Melros prescripto approprientur pro perpetuo et soluantur temporibus debitis soluendi decimas et consuetis, prout euidencie exinde confecte plenius testantur, pro vniuersis et singulis decimis terrarum de Bellenden, modo et forma pretactis, in omnibus et per omnia, ecclesie parochiali de Rankilburne appropriandis pro perpetuo et soluendis, ex mutuo consensu supradictorum monachorum et rectoris dicte ecclesie, consentiente et confirmante episcopo Glasguensi cum suo capitulo. Et si contingat aliquando quod dicte terre de Glenkery cum pertinenciis et duodecim acris per quamcunque partem aduersam, iurisdictionem se habiturum dicentem, uel quocunque titulo clamium ad ipsas terras uel quamcunque partem ipsarum, causa terrarum mearum de Wynzehope, a dictis monachis et eorum monasterio fuerint euicte legittime uel obtente, quod absit, promitto pro me et heredibus et assignatis, et per presentes concedo

quod dicte terre de Bellinden ad dictos monachos et eorundem monasterium, ut ante confeccionem presencium, in omnibus et per omnia, absque contradiccione mei, heredum meorum uel assignatorum, libere omni dolo et fraude remoto reuertantur pro perpetuo. Ego vero promitto pro me, heredibus et assignatis, dictas terras de Glenkery cum omnibus pertinenciis et duodecim acris dictis monachis et eorum monasterio propriis nostris sumptibus canonice contra omnes homines manutenere, protegere, et warantizare. In cuius rei testimonium sigillum meum, vnacum sigillo venerabilis et magne discrecionis viri magistri Walteri Jacobi archidiaconi Teuidalie, per instanciam filii mei prenominati pro ipso, presentibus est appensum, apud dictum monasterium, xxviij die mensis Maii, anno Domini M°cccc°xv° ; hiis testibus, venerabili archidiacono prenominato, Archbaldo de Douglas vicecomite Teuidalie, et multis aliis.[1]

378. Confirmation of the preceding Charter by Peter of Cockburn, Lord of Henryland, as superior. 8th June 1415.

Vniuersis Christi fidelibus ad quos presentes littere peruenerint, Petrus de Kokburne dominus de Henryland, salutem in Domino. Noueritis me vidisse et inspexisse quasdam cartas siue litteras permutacionis terrarum de Glenkery et duodecim acrarum prati de me tentarum, cum terris de Bellyndene, inter reuerendum in Christo patrem, dominum Dauid abbatem monasterii de Melros, et conuentum eiusdem, ex vna parte, et nobilem virum Robertum Scot dominum de Rankylburne, ex parte altera, perpetuo factas, non rasas, non abolitas nec in aliqua sui parte suspectas, sed omni vicio et suspicione carentes ; quarum tenor sequitur in hec uerba : Vniuersis Sancte Matris Ecclesie filiis, tam presentibus quam futuris, ad quos et quorum noticiam presentes littere peruenerint, Robertus Scote dominus de Rankylburne, eternam in Domino salutem (*etc., ut supra, in No.* 377).—Quam siquidem permutacionem dictarum terrarum de Glenkery et duodecim acrarum prati, necnon predictas cartas et litteras in omnibus suis punctis et articulis inde confectas, pro me et heredibus meis imperpetuum approbamus et ratificamus per presentes. In cuius rei testimonium sigillum meum presentibus apud Melros est appensum, decimo viij die mensis Junij, anno Domini millesimo cccc^{mo} decimo quinto.[2]

[1] Original Charter in Melrose Collection, Buccleuch Charter-room. Lithographed.

[2] Original Charter in Melrose Collection, Buccleuch Charter-room.

379. ATTESTATION of the Resignation of half Ladyurd by JOHN OF GEDDES, in the hands of WALTER SCOTT of Murdieston, his Overlord, and of the giving of real state by the latter to WILLIAM OF GEDDES. 22d July 1434.

BECAUSE that it is niedfull to bere wytness to suthfastnes, we, Wat of Tuedy of Drummelzere, Jamys of Tuedy son and apperand ayer to the said Wat, Patryk of the Lowys of Menor, John Dekyson of Wynkystoun, George of Elphynstoun son and apperand ayer to John of Elphynstoun of Henrystoun, Thomas of the Louch burgess of Peblis, and Wilzame Bychat of Eschellys, war present, herd and saw, and for wytnes war tane, wyth mony others, in the chapale of Our Lady Sant Mary, the qwylk John of Geddes, lord of half Ladyhurd, gert be byggyt within the parych kyrk of Sant Androw of Peblis, qware the said John of Geddes, lord of half Ladyhurd, wyth the pertinence, lyand in the barony of Kyrkhurd, wythin the schyrradume of Peblis, nowthyr led be strenth na aw, na zyt sledyn throuch errour, bot on his awn fre wyl, made puire and sympill resignacyon of the forsaid half of Ladyhurd wyth the pertinence, wyth staffe and bastoun, wythoutyn ony condycioun or agaynhaldyng, in the hands of a wurchepful man, Wat Scot, Lord of Morthouystoun, and ourelord to the said John of Geddes, of the forsaid half of Ladyhurd wyth the pertinence, and al rycht and claym the quylk the foresaid John of Geddes, in the forsaid lands wyth the pertynence, had or mycht have be ony maner of way, fra hym and his ayerys to the said Wat Scot his ourelord he gave up and qwytclaymyt for ever mare: And than the forsaid Wat Scot, in presens of us before wrytyn and mony other, gave al tha forsaid lands of the half of Ladyhurd, wyth the pertynence, tyl an oneste man Wilzame of Geddes, and wyth a wand, the qwylk the said Wat Scot had in his hands, he gave to the said Wilzame of Geddes state ryalle of the said lands wyth the pertinence, scharchand a worthi man, Patryk of the Lowys of Menor, balzhe to the said Wat Scot of all his lands wythin the barony of Kyrkhurd forsaid, to pass to the sulzhe and ger the said Wilzame of Geddes have sessyng, possessyoun, and heritabil state of al the forsaid lands of the half of Ladyhurd with the pertynence. In wytnes of al the forsaid thyngs, we, the forsaid Wat, Jamys, Patrik, John, George, Thomas, and Wilzame, has put to oure selys to this present wryt of wytnessyng. At Peblis, the tua and tuendy day of the moneth of July, the zhere of oure Lord a thousand four hunder thretty and four zherys.[1]

[1] Original in Castle Craig Charter-chest.

380. Instrument of Sasine of William of Geddes in the half of Ladyurd, on Precept from the Bailie of Sir Walter Scott, Lord of Murdieston and of the barony of Kirkurd. 26th July 1434.

In Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno ab incarnacione Domini millesimo quadringentesimo tricesimo quarto, mensis vero Julii die vicesimo sexto, indiccione duodecima, pontificatus sanctissimi in Christo patris ac domini nostri domini Eugenii diuina prouidentia Pape quarti anno quarto, in mei notarii publici ac testium subscriptorum presentia personaliter constitutus honestus vir Johannes Zong seriandus baronie de Kyrkhurd, ex precepto et mandato speciali probi viri Patricii de Lowis de Menor, ballivi honorabilis domini Walteri Scot domini de Morthouystoun et baronie de Kyrkhurd infra vicecomitatum de Peblis, prout per quandam literam patentem et sigillo dicti Walteri sigillatam ac per me notarium publicum subscriptum coram testibus infrascriptis perlectam manifeste apparuit, dedit honesto viro Wilelmo de Geddes saisinam dimidie partis de Ladyhurd cum pertinentiis in dicta baronia de Kyrkhurd et infra dictum vicecomitatum de Peblis, ac eundem Willelmum in statum et possessionem hereditariam eiusdem dimidie partis cum pertinentiis prefatus Johannes seriandus protinus introduxit. Super quibus omnibus et singulis idem Wilelmus a me notario publico infrascripto sibi fieri petiit vnum publicum instrumentum. Acta fuerunt hec apud Ladyhurd, ad ostium cuiusdam domus ibidem situate, hora quasi novena ante meridiem, anno, die, mense, indiccione, et pontificatu supradictis; presentibus ibidem probis et honestis viris, Waltero de Tuedy de Drummelzere, Willelmo de Tuedy filio eiusdem Walteri, Patricio de Lowis, et Henrico Patricii de Mener, Johanne le Wach de Ladyhurd, Roberto de Balkasky, et Simone de Denum de Scottystoun, domino Thoma de Woode, perpetuo vicario de Kyrkhurd, et Jacobo de Tuedy, cum multis aliis testibus ad premissa vocatis specialiter et rogatis.[1]

381. Grant by James Abbot of Newbottle, and Convent thereof, in favour of Walter Scott of Branxholm, knight, and William Scott his son, of a fee of 100 Merks yearly, for defence of certain lands and steadings of the Abbey. 19th September 1544.

Be it kend till all men be thir present letteris, ws, James, be the permissione of God, Abbot of Newbotle, and Conuent of the samyn, cheptourlie gaderit, to haue grantit and assignit, and be thir presentis grantis and assignis to ane honourable man and oure

[1] Original in Castle Craig Charter-chest.

familiare frende Walter Scott of Branxhame, knycht, and Williame Scott his son and apperand air, and to the said Walteris assignais quhatsumeuir, for thair thankfull grete plesouris and steid done and to be done be thaim and thair freyndis to ws and our said abbay, and specialie in defens of oure landis and stedingis of Lethanhopis, Morphet, and Romannes Grange, our tenentis and gudis being thairupone, fra molestatioun and turble of theifis and brokin men quhilkis daylie inuadis and wald inuaid the samyn, ane fee of ane hundreth merkis vsuale money of Scotland zerlie, for all the dais and termez of nyntene zeris nixt and immediatlie following the day of the dait of thir presentis, to be payit to thaim be ws and oure cellerare at twa vsuale termez in the zere, Witsonday and Mertymes in winter, be equale portionis, begynnyng the first payment at the terme of Mertymes nixt to cum : thai gevand to ws ane sufficient acquittance termely thairof, and als kepand and fulfilland all and sindry poyntis contenit in thair band maid to ws thairupone, but fraude or gile. In witnes of the quhilk thing, to thir presentis subscriuit with oure handis oure comone sele is hungin. At Newbotle, the nyntene day of September, the zere of God ane thousand five hundreth fourty and foure zeris.

JA., abbott.

ARTHURUS CRAUFURD, subprior.
DAUID JAMESON.
ALEXANDER MERSAR.
NINIANUS CRAUFORDE.
ALEXR. SCOTT.
WILLELMUS HARLAW.
ADAM ELMEIR.
ROBERTUS SPUTTALL.
WALTERUS NOTMAN.
SYMON DAWGLEIS.
WILLELMUS WAIT.
JACOBUS WATSONE.
THOMAS REDE.
GEORGEUS KIRKPATRIK.
THOMAS MEGOTT.
GEORGIUS TURNBULL.
GEORGIUS CWBY.
THOMAS MOFFETT.
JOHANNES BANNOTENE.
GEORGIUS RECHESONE.

382. CHARTER by MARY QUEEN OF SCOTS to WALTER SCOTT of Branxholm, knight, and JONET BETOUN his spouse, of the lands of Eister Craik. 2d February 1548-9.

MARIA Dei gracia Regina Scotorum omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis, quia cum auisamento et consensu charissimi nostri consanguinei et tutoris Jacobi Arranie comitis, domini Hammilton, regni nostri protectoris et gubernatoris, intelligentes bonum, fidele, et gratuitum seruicium nobis a decessu quondam nostri nobilissimi progenitoris et charissimi patris, cuius anime propicietur Deus, in regni nostri defensione contra veteros (*sic*) nostros Anglie inimicos factum per dilectum nostrum Walterum Scott de Branxhelme, militem, fidelemque nudam, non fucatam et

simplicem partem per ipsum, suos consanguineos et seruos et integram suam stirpem, in reipublice patrie et limitum regni defensione susceptam, pro quibus non minima dampna et incommoda verum grauidas suarum terrarum, hereditatum, possessionum, et bonorum direptiones, depauperationes, et combustiones a dictis nostris veteribus inimicis illatas passus est ; et ideo volentes eum remunerare et de suis bonis ablatis et hereditatibus combustis recompensare ad prebendum eidem [et] omnibus aliis illius exemplo occasionem fidelius nobis et dicto nostro charissimo gubernatori in futurum seruiendi, dedimus, concessimus, et hac presenti carta nostra damus et concedimus dicto Waltero Scot et domine Jonete Betoun eius coniugi eorumque diucius viuenti et heredibus masculis inter ipsos legitime procreatis seu procreandis, quibus deficientibus heredibus masculis et assignatis dicti Walteri quibuscunque hereditarie, totas et integras terras de Eistir Craik, cum molendinis, multuris, siluis, piscariis, annexis, connexis, tenentibus, tenandriis, liberetenentium seruiciis, aduocationibus et donationibus ecclesiarum, beneficiorum et capellaniarum, omnium et singularum prescriptarum terrarum et suis pertinentiis, iacentes infra vicecomitatum nostrum de Roxburgh : Quequidem omnes et singule terre cum pertinentiis ante nominatis olim Johanni Cokburne de Ormestoun hereditarie prius pertinuerunt et nunc nobis spectant et in manibus nostris deuenerunt ratione eschaete ob forisfacturam rite erga dictum Johannem Cokburne deductam pro nonnullis proditorie et lese maiestatis criminibus per eum commissis de quibus in parliamento conuictus extitit, prout in processu et forisfacture decreto desuper lato plenius continetur : tenendas et habendas totas et integras predictas terras de Eistir Craik cum molendinis, multuris, pratis, piscariis earundem et singulis suis pertinentiis, dictis Waltero Scot et domine Jonete Beton eius coniugi eorumque alteri diucius viuenti in coniuncta infeodatione, suis heredibus et assignatis prescriptis, de nobis et successoribus nostris, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, prout jacent in longitudine et latitudine, in boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, riuolis, pratis, pascuis et pasturis, molendinis, multuris, et eorum sequelis, aucupationibus, venationibus, piscationibus, petariis, turbariis, carbonariis, lignis, lapicidiis, lapide et calce, fabrilibus, brasinis, brueriis et genestis, cum curiis et earum exitibus, herezeldis, bludewitis, et mulierum marchetis, cum communi pastura, libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis et asiamentis, ac iustis pertinentiis suis quibuscunque tam non nominatis quam nominatis, tam sub terra quam supra terram, procul et prope, ad predictas terras cum pertinentiis spectantibus seu iuste spectare valentibus quomodolibet in futurum, adeo libere sicut dictus Johannes Cokburne aut sui predecessores prenominatas terras cum pertinentiis de predecessoribus nostris quouis tempore ante predictam forisfacturam tenuit seu possidebat, tenuerunt

seu possiderunt: reddendo inde annuatim dictus dominus Walterus Scot et domina Joneta Betoun eius coniunx, eorum alter diucius viuens, sui heredes et assignati predicti. nobis et successoribus nostris, iura et seruicia de predictis terris cum pertinentiis ante prefatam forisfacturam nobis et predecessoribus nostris debita et consueta tantum. In cuius rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus: testibus, reuerendo in Christo patre Johanne episcopo Dunkeldensi, etc., thesaurario nostro; dilectis nostris consanguineis, Georgio comite de Huntlie, domino Gordoun et Badzenach, cancellario nostro, Archibaldo comite Ergadie, domino Campbell et Lorne, etc., Willelmo domino Ruthuen, nostri secreti sigilli custode; dilectis nostris familiaribus, magistris Thoma Marioribankis de Ratho, nostrorum rotulorum registri ac consilii clerico, Johanne Bellenden de Auchnoule, nostre iusticiarie clerico, et Alexandro Levingstoun de Donyphace, nostre cancellarie directore. Apud Edinburgh, secundo die mensis Februarii anno Domini millesimo quingentesimo quadragesimo octauo et regni nostri septimo.

383. Charter by James Earl Bothwell to John Cokburne of Ormestoun, of the lands of Eister Craik, formerly granted to Walter Scott of Branxholm, knight. 21st April 1567. [Abridged.]

Omnibus hanc cartam visuris vel audituris Jacobus comes de Boithuile, dominus Halis et Crechtoun, magnus admirallus regni Scotie, etc., superiorque terrarum subscriptarum, salutem in Domino sempiternam. Quia suprema domina nostra regina, cum auisamento et consensu Jacobi ducis de Chattellarault, Arranie comitis, domini Hamiltoun, etc., regni sui protectoris et gubernatoris pro tempore, totas et integras terras de Eister Craik, cum molendinis, multuris, siluis, piscariis, annexis, connexis, tenentibus, tenandriis, et liberetenentium seruitiis ac singulis suis pertinentiis, iacentes infra vicecomitatum de Roxburgh, quondam Waltero Scot de Branxhelme, militi, et domine Jonete Betoun eius coniugi ac eorum alteri diutius viuenti in coniuncta infeodatione, heredibus masculis inter ipsos legitime procreatis seu procreandis, quibus deficientibus heredibus masculis et assignatis dicti Walteri quibuscunque, per infeodationem sub magno sigillo hereditarie dedit et disposuit tanquam sue maiestati pertinentes et in eius manibus ratione eschaete deuentas ob forisfacturam erga predilectum nostrum Joannem Cokburne de Ormestoun deductam pro nonnullis assertis et allegatis proditorie et lese maiestatis criminibus per eum commissis de quibus in parliamento convictus extitit, prout in processu et forisfacture decreto desuper lato ac in dicta infeodatione per supremam dominam nostram reginam inde modo predicto concessa latius et plenius

continetur : Et nunc dictus processus et forisfacture decretum et pretensam deductionem eiusdem in parliamento dicte supreme domine nostre regine per trium regni sui statuum decretum et parliamenti sensiamentum reductum et retractum est, ac etiam prefata infeodatio . . . prefato quondam Waltero Scot et domine Jonete Betoun . . . retractata, cassata et annullata extat, veluti in decretis reductionum desuper respectiue obtentis latius continetur ; Noueritis igitur nos, intelligentes per autentica instrumenta et documenta quod prefatus Joannes Cokburne huiusmodi terras cum pertinentiis, ante prefatum pretensum decretum et forisfacture iudicium, de nobis in libera albafirma tenuit in capite, volentesque ipsum, heredes suos et assignatos de eiisdem tutos reddere in futurum, dedisse . . . necnon dare . . . prefato Joanni Cokburne . . . totas et integras prenominatas terras de Eister Craik . . . exonerando . . . eiisdem pro nobis . . . prefato Joanni Cokburne . . . tenendas et habendas . . . de nobis nostrisque heredibus et successoribus in feodo et hereditate imperpetuum . . . reddendo inde annuatim dictus Joannes Cokburne, heredes sui et assignati, nobis nostrisque heredibus et successoribus vnum denarium vsualis monete regni Scotie super solo dictarum terrarum . . . Et nos vero dictus Jacobus comes de Boithuile, heredesque et successores nostri, totas et integras prenominatas terras . . . contra omnes mortales warrantizabimus et imperpetuum defendemus : insuper dilectis nostris Cuthberto Tait, et . . . balliuis nostris . . . vobis precipimus et mandamus quatenus statum, sasinam . . . prefato Joanni Cokburne . . . iuste haberi faciatis et deliberetis [etc.]

In cuius rei testimonium huic presenti carte nostre preceptum saisine in se continenti manu nostra subscripte sigillum nostrum est appensum. Apud Edinburgh, vicesimo primo die mensis Aprilis anno Domini millesimo quingentesimo sexagesimo septimo, coram hiis testibus—Magistro Thoma Hepburne, rectore de Auldhammistokis, Alexandro Someruile, fratre domini de Cambusnethan, Joanne Hay, iuniore de Tallo, et Joanne Hepburne de Boltoun, cum diuersis aliis.

384. PATENT by KING CHARLES THE SECOND to SIR JAMES SCOTT, knight, of the Title and Dignity of Duke of Monmouth, Earl of Doncaster, and Lord Scott of Tindall. Dated 14th February [1663].[1]

REX, etc., archiepiscopis, ducibus, marchionibus, comitibus, vicecomitibus, episcopis, baronibus, militibus, prepositis, liberis hominibus, ac omnibus aliis officiariis, ministris et subditis nostris quibuscunque, ad quos presentes litere pervenerint, salutem. Serio nobiscum contemplantes summe spei adolescentulum, Jacobum Scott, militem, de cujus indole haud vulgari non etatis incremento sed ex momentis virtutum, prepropera ingenij maturitate morumque suavitate, satis liquido nobis constat; curam insuper adhibentes, pro egregia qua eum amplexi sumus charitate, nequid illi deesse queat quod in virtutis stadio currenti quasi calcar addat atque incitamentum, vt quem feliciter fausteque accepit cursum ad exoptatam tandem metam divinis auspicijs perdu[c]tatus, nostreque de illo expectacioni vsque quaque satisfiat: Sciatis igitur, quod nos, de gratia nostra speciali, ac ex certa scientia et mero motu nostris, prefatum Jacobum Scott ad statum, gradum, stilum, dignitatem, titulum et honorem Baronis Scott de Tindall in comitatu nostro Northumbrie, ereximus, prefecimus et creavimus, ipsumque Jacobum Scott Baronem Scott de Tindall predictum tenore presentium erigimus, preficimus et creamus, eidemque Jacobo nomen, statum, gradum, stilum, dignitatem, titulum et honorem Baronis Scott de Tindall predicti imposuimus, dedimus et prebuimus ac per presentes damus, imponimus et prebemus: habendum et tenendum eadem nomen, statum, gradum, stilum, dignitatem, titulum et honorem Baronis Scott de Tindall predicti prefato Jacobo et heredibus masculis de corpore suo exeuntibus imperpetuum; volentes ac per presentes concedentes pro nobis, heredibus et successoribus nostris, quod predictus Jacobus Scott et heredes sui masculi predicti, nomen, statum, gradum, stilum, titulum, dignitatem et honorem Baronis Scott de Tindall predicti successive gerant et habeant, et eorum quilibet gerat et habeat, et per nomen Baronis Scott de Tindall predicti successive vocentur, nuncupentur, et eorum quilibet vocetur et nuncupetur; quodque idem Jacobus Scott et heredes sui masculi predicti, successive barones Scott de Tindall, in omnibus teneantur et vt Barones tractentur et reputentur, et eorum quilibet teneatur, tractetur et reputetur; habeantque, teneant et possideant, et eorum quilibet habeat, teneat et possideat sedem, locum et vocem in parliamentis et publicis comitiis atque consiliis nostris, heredum et successorum nostrorum, infra regnum nostrum Anglie, inter alios barones vt barones parliamentorum et publicorum comitiorum et consiliorum;

[1] Patent Roll, 15 Charles II., Part I. No. 6, in Public Record Office, London.

necnon dictus Jacobus et heredes sui masculi predicti gaudeant et vtentur, et eorum quilibet gaudeat et vtetur, per nomen Baronis Scott de Tindall predicti, omnibus et singulis talibus juribus, privilegijs, preheminentijs et immunitatibus statui Baronis in omnibus rite et de jure pertinentibus quibus ceteri Barones dicti regni nostri Anglie ante hec tempora melius, honorificentius et quiet[i]us vsi sunt et gavisi, seu in presenti gaudent et vtuntur :—Ac insuper pro consideracionibus predictis, de vberiori gratia nostra speciali ac ex certa scientia et mero motu nostris, prefatum Jacobum Scott in Comitem Doncaster in comitatu nostro Eboracensi, necnon ad statum, gradum, stilum, titulum, dignitatem, nomen et honorem Comitis Doncaster predicti, ereximus, prefecimus, insignivimus, constituimus et creavimus, ipsumque Jacobum in Comitem Doncaster, necnon ad statum, gradum, stilum, titulum, dignitatem, nomen et honorem Comitis Doncaster predicti tenore presentium erigimus, preficimus, insignimus, constituimus et creamus ; eidemque Jacobo statum, gradum, stilum, titulum, dignitatem, nomen et honorem Comitis Doncaster predicti imposuimus, dedimus et prebuimus, ac per presentes damus, imponimus et prebemus, ac ipsum Jacobum huiusmodi statu, gradu, stilo, titulo, dignitate, nomine et honore Comitis Doncaster, per gladij cincturam, cape honoris et circuli aurei imposicionem, insignimus, investimus et realiter nobilitamus per presentes : habendum et tenendum statum, gradum, stilum, titulum, dignitatem, nomen et honorem Comitis Doncaster, cum omnibus et singulis preheminentijs, honoribus, ceterisque huiusmodi statui, gradui, stilo, titulo, dignitati, nomini et honori Comitis pertinentibus sive spectantibus, prefato Jacobo et heredibus masculis de corpore suo exeuntibus imperpetuum ; volentes et per presentes concedentes pro nobis, heredibus et successoribus nostris, quod predictus Jacobus et heredes sui masculi predicti statum, gradum, stilum, titulum, dignitatem, nomen et honorem predicti Comitis Doncaster successive gerant et habeant, et eorum quilibet gerat et habeat, et per nomen Comitis Doncaster successive vocentur et nuncupentur, et eorum quilibet vocetur et nuncupetur ; et quod idem Jacobus et heredes sui masculi predicti successive vt Comites Doncaster teneantur, tractentur et reputentur, et eorum quilibet teneatur, tractetur et reputetur, habeantque, teneant et possideant dictus Jacobus et heredes sui masculi predicti, et eorum quilibet habeat, teneat et possideat sedem, locum et vocem in parliamentis et publicis [comitijs] atque consilijs nostris, heredum et successorum nostrorum, infra regnum nostrum Anglie, inter alios comites, vt Comes Doncaster ; necnon dictus Jacobus et heredes sui masculi predicti gaudeant et vtantur, et eorum quilibet gaudeat et vtatur, per nomen Comitis Doncaster, omnibus et singulis juribus, privilegijs, preheminencijs et immunitatibus statui Comitis in omnibus rite et de jure pertinentibus quibus ceteri comites dicti regni nostri Anglie ante hec tempora melius, honorificentius et quietius vsi sunt et

gavisi, seu in presenti gaudent et vtuntur: et quia, crescente status celsitudine, necessario crescunt sumptus et onera grandiora, ac vt idem Jacobus et heredes sui masculi de corpore suo exeuntes juxta dicti nominis Comitis Doncaster decentiam et status sic nobilitati, melius, decentius et honorificentius habere, ac onera ipsis incumbentia manutenere et supportare valeant, et eorum quilibet valeat, ideo, de vberiori gratia nostra speciali ac ex certa scientia et mero motu nostris, dedimus et concessimus, ac per presentes, pro nobis, heredibus et successoribus nostris, damus et concedimus prefato Jacobo Scott et heredibus suis masculis de corpore suo exeuntibus, imperpetuum, annualem redditum viginti librarum legalis monete Anglie singulis annis percipiendum ad receptam scaccarii nostri, heredum et successorum nostrorum, per manus thesaurarii, comissionariorum pro thesauro, et camerariorum dicti scaccarij nostri, heredum et successorum nostrorum, pro tempore existentium, ad festa Annunciacionis Beate Marie Virginis, et Sancti Michaelis Archangeli, per equales porciones annuatim solvendum :—Ac insuper nos, volentes prefatum Jacobum Scott titulo Ducis insignire, ipsumque inter Duces regni nostri Anglie captari, de vberiori nostra gratia speciali ac ex certa scientia et mero motu nostris, prefatum Jacobum Scott in Ducem Monmouth, necnon ad statum, gradum, stilum, titulum, dignitatem, nomen et honorem Ducis Monmouth ereximus, prefecimus, insignivimus, constituimus et creavimus, ipsumque Jacobum in Ducem Monmouth, necnon ad statum, gradum, stilum, titulum, dignitatem, nomen et honorem Ducis Monmouth, tenore presentium, erigimus, preficimus, insignimus, constituimus, et creamus per presentes; eidemque Jacobo nomen, stilum, titulum, statum, gradum, dignitatem et honorem Ducis Monmouth imposuimus, dedimus et prebuimus, ac per presentes imponimus, damus et prebemus, ac ipsum Jacobum huiusmodi nomine, stilo, statu, titulo, gradu, dignitate et honore Ducis Monmouth, per gladij cincturam, cape honoris et circuli aurei imposicionem in capite et tradicionem virge auree, insignimus, investimus et realiter nobilitamus per presentes: habendum et tenendum nomen, stilum, titulum, statum, gradum, dignitatem, et honorem Ducis Monmouth, cum omnibus et singulis preheminentijs, honoribus ceterisque huiusmodi, nomini, stilo, titulo, statui, gradui, dignitati et honori Ducis pertinentibus sive spectantibus, prefato Jacobo et heredibus masculis suis de corpore suo exeuntibus, imperpetuum; et vlterius volumus, ac per presentes, pro nobis, heredibus et successoribus nostris, damus et concedimus prefato Jacobo et heredibus masculis de corpore suo exeuntibus, quod predictus Jacobus et heredes sui masculi de corpore suo exeuntes, nomen, stilum, titulum, statum, gradum, dignitatem et honorem predictos successive gerant et habeant, et eorum quilibet gerat et habeat, et per nomen Ducis Monmouth successive vocentur et nuncupentur, et eorum quilibet vocetur et nuncupetur; et quod

idem Jacobus et heredes sui masculi predicti successive vt Duces Monmouth teneantur, tractentur et reputentur, et eorum quilibet teneatur, tractetur et reputetur, habeantque, teneant et possideant dictus Jacobus et heredes sui masculi predicti, et eorum quilibet habeat, teneat et possideat sedem, vocem, et locum in parliamentis nostris, heredum et successorum nostrorum, infra regnum nostrum Anglie, inter alios proceres et magnates huius regni Anglie, vt Dux Monmouth ; necnon dictus Jacobus et heredes sui masculi predicti gaudeant et vtantur, et eorum quilibet gaudeat et vtatur, per nomen Ducis Monmouth, omnibus et singulis juribus, privilegijs, preheminentijs et immunitatibus statui Ducis in omnibus rite et de jure pertinentibus quibus Duces huius regni Anglie ante hec tempora melius, honorificentius, et quietius vsi sunt et gavisi, seu in presenti gaudent et vtuntur : et quia, crescente status celsitudine, necessario crescunt sumptus et onera grandia, ac vt idem Jacobus et heredes sui masculi predicti juxta dicti nominis Ducis decentiam et status sic nobilitati, melius, decentius, et honorificentius se habere, ac onera ipsis incumbentia manutenere et supportare valeant, et eorum quilibet valeat, ideo de vberiori gracia nostra dedimus et concessimus, ac per presentes pro nobis, heredibus et successoribus nostris, damus et concedimus prefato Jacobo et heredibus suis masculis predictis, imperpetuum, annualem redditum quadraginta librarum legalis monete Anglie singulis annis percipiendum de exitibus, proficuis, et revencionibus magne et parve custume et subsidij nostri nobis concessis seu imposterum nobis, heredibus et successoribus nostris concedendis vel emergentibus, infra portum civitatis nostre Londini, per manus custumariorum sive collectorum nostrorum, heredum et successorum nostrorum, ibidem pro tempore existentium, ad terminos et festa predicta per equales porciones annuatim solvendum : Volumus etiam etc. : absque fine in hanaperio etc. eo quod expressa mencio etc. In cuius rei etc. Teste Rege, apud Westmonasterium, decimo quarto die Februarij.

Per ipsum Regem.

385. Translation of the above Patent.

The King, etc., to the archbishops, dukes, marquises, earls, viscounts, bishops, barons, knights, provosts, freemen, and all others our officers, servants, and subjects whomsoever to whom these present letters shall come, greeting. We, taking into our serious consideration Sir James Scott, knight, a young man of the highest promise, whose uncommon abilities—resulting not from the growth of years but from motions of virtuous principles—and whose very early maturity of understanding and suavity of manners are sufficiently well known to us ; having, moreover, an anxious concern, on account of the singular affection wherewith we have cherished him, that nothing may be wanting

to him that may act as a spur and incitement to him in the race of virtue, so that he may be guided by the blessing of God along the course on which he has so happily and auspiciously entered, until at last he reach the wished-for termination, and that he may in all respects fulfil the expectations we have formed respecting him: Know ye therefore, that we, of our special grace and of our certain knowledge and mere motion, have created, advanced, and preferred the foresaid James Scott to the station, degree, style, dignity, title, and honour of Baron Scott of Tindall, in our county of Northumberland, and by the tenor of these presents advance, prefer, and create the said James Scott to be Baron Scott of Tindall aforesaid, and have appointed, given, and granted, and by these presents give, appoint, and grant to the said James the name, station, degree, style, dignity, title, and honour of Baron Scott of Tindall foresaid; to have and to hold the said name, station, degree, style, dignity, title, and honour of Baron Scott of Tindall aforesaid to the foresaid James and the heirs-male begotten of his body for ever: willing, and by these presents granting, for us, our heirs and successors, that the foresaid James Scott and his heirs-male foresaid and every one of them successively, may bear and have the name, station, degree, style, title, dignity, and honour of Baron Scott of Tindall foresaid, and that they and every one of them successively may be called and styled by the name of Baron Scott of Tindall foresaid; and that the said James Scott and his heirs-male foresaid and every one of them successively Barons Scott of Tindall, may in all things be held and treated and reputed as barons, and that they and every one of them may have, hold, and possess a seat, place, and voice in the parliaments and public assemblies and councils of us, our heirs and successors, within our kingdom of England, among other barons as Barons of parliament and in public assemblies and councils; likewise, that the said James and his heirs-male foresaid, and every one of them, may enjoy and use, by the name of Baron Scott of Tindall aforesaid, all and sundry the rights, privileges, pre-eminences, and immunities duly and of right belonging to the station of a baron, which the other barons of our said kingdom of England have heretofore well, honourably, and peaceably used and enjoyed, or at present use and enjoy:—And, moreover, for the foresaid considerations, we, of our more abundant special grace, and of our certain knowledge and mere motion, have advanced, preferred, distinguished, constituted, and created the foresaid James Scott to be Earl of Doncaster in our county of York, also to the station, degree, style, title, dignity, name, and honour of Earl of Doncaster foresaid, and by the tenor of these presents do advance, prefer, distinguish, constitute, and create the said James to be Earl of Doncaster and to the station, degree, style, title, dignity, name, and honour of Earl of Doncaster foresaid; and we have appointed, given, and granted, and by these presents give, appoint, and grant to

the said James the station, degree, style, dignity, name, and honour of Earl of Doncaster aforesaid, and we do dignify, invest, and by these presents effectually ennoble the said James with the said station, degree, style, title, dignity, name, and honour of Earl of Doncaster, by girding him with a sword and putting on him the cap of honour and the circlet of gold: to have and to hold the station, degree, style, title, dignity, name, and honour of Earl of Doncaster, with all and sundry pre-eminences, honours, and others pertaining or belonging to the said station, degree, style, title, dignity, name, and honour of Earl, to the foresaid James and the heirs-male begotten of his body for ever; willing, and by these presents, for us, our heirs and successors, granting that the foresaid James and his heirs-male foresaid, and every one of them successively, may bear and have the station, degree, style, title, dignity, name, and honour of Earl of Doncaster foresaid, and that they and every one of them successively may be called and styled by the name of Earl of Doncaster, and that the said James and his heirs-male foresaid, and every one of them successively, may be held, treated, and reputed as Earls of Doncaster, and that the said James and his heirs-male foresaid, and every one of them, may have, hold, and possess a seat, place, and voice in the parliaments and public assemblies and councils of us, our heirs and successors, within our kingdom of England, amongst other earls as Earl of Doncaster; also, that the said James and his heirs-male foresaid, and every one of them, may enjoy and use, by the name of Earl of Doncaster, all and sundry the rights, privileges, pre-eminences, and immunities in all things duly and of right belonging to the degree of an earl, which other earls of our said kingdom of England have heretofore well, honourably, and peaceably used and enjoyed, or at present use and enjoy: and whereas, when loftiness of station is increased, expenses and greater burdens do necessarily increase the more, in order that the said James and the heirs-male begotten of his body, and every one of them, may be able to carry themselves well, suitably, and honourably according to the style befitting the said name of Earl of Doncaster and a station thus ennobled, and to maintain and support the burdens incumbent upon them, therefore we, of our more abundant special grace and of our certain knowledge and mere motion, have given and granted, and by these presents, for us, our heirs and successors, give and grant to the foresaid James Scott and his heirs-male begotten of his body, for ever, an annualrent of twenty pounds lawful money of England, to be uplifted every year at the receipt of the exchequer of us, our heirs and successors, to be paid by the hands of the treasurer, commissioners for the treasury, and chamberlains of the said exchequer of us, our heirs and successors for the time being, at the Feasts of the Annunciation of the Blessed Virgin Mary and of St. Michael the Archangel, by equal portions yearly:—And further, whereas it is our will to distinguish the foresaid James Scott with the title of

Duke, and that he be received among the dukes of our kingdom of England, we, of our more abundant special grace and of our certain knowledge and mere motion, have advanced, preferred, distinguished, constituted, and created the foresaid James Scott to be Duke of Monmouth, and to the station, degree, style, title, dignity, name, and honour of Duke of Monmouth, and by the tenor of these presents advance, prefer, distinguish, constitute, and create the said James to be Duke of Monmouth, and to the station, degree, style, title, dignity, name, and honour of Duke of Monmouth by these presents ; and we have appointed, given, and granted, and hereby appoint, give, and grant to the said James the name, style, title, station, degree, dignity, and honour of Duke of Monmouth, and by these presents we distinguish, invest, and effectually ennoble the said James with the said name, style, station, title, degree, dignity, and honour of Duke of Monmouth, by girding him with a sword and putting upon his head the cap of honour and circlet of gold and by the delivery of a golden wand : to have and to hold the name, style, title, station, degree, dignity, and honour of Duke of Monmouth, with all and sundry the pre-eminences, honours, and others pertaining or belonging to such name, style, title, station, degree, dignity, and honour of Duke, to the foresaid James and his heirs-male begotten of his body, for ever ; and moreover, our will is, and by these presents we, for us, our heirs and successors, give and grant to the foresaid James and the heirs-male begotten of his body, that the foresaid James and his heirs-male begotten of his body and every one of them successively, may bear and have the name, style, title, station, degree, dignity, and honour foresaid, and may successively and every one of them be called and styled by the name of Duke of Monmouth ; and that the said James and his heirs-male foresaid and every one of them successively, may be held, treated, and reputed as Dukes of Monmouth, and may have, hold, and possess, the said James and his heirs-male aforesaid and every one of them, a seat, voice, and place in the parliaments of us, our heirs and successors, within our realm of England, among the other nobles and magnates of this realm of England, as Duke of Monmouth ; and that the said James and his heirs-male foresaid and every one of them may enjoy and use, by the name of Duke of Monmouth, all and sundry the rights, privileges, pre-eminences, and immunities in all things duly and of right belonging to the station of a Duke, which the Dukes of this kingdom of England have heretofore well, honourably, and peaceably used and enjoyed, or at present use and enjoy : and forasmuch as when loftiness of station is increased, expenses and burdens do necessarily increase the more, in order that the said James and his heirs-male foresaid, and every one of them, may be able to carry themselves well, suitably, and honourably, according to the style befitting the said name of Duke and a station thus ennobled, and to maintain and support the burdens

incumbent on them, therefore we, of our more abundant grace, have given and granted, and by these presents, for us, our heirs and successors, give and grant to the foresaid James and his heirs-male foresaid, for ever, an annualrent of forty pounds lawful money of England, to be uplifted every year out of the issues, profits, and revenues of great and small custom and our subsidy granted to us or to be granted or accruing to us, our heirs and successors, in time to come, within the port of our city of London, to be paid yearly by the hands of the custumars or collectors of us, our heirs and successors there for the time being, at the terms and feasts foresaid, by equal portions.—Also we will, etc.: without fine in the Hanaper, etc., although express mention, etc. In testimony whereof, etc. Witness the King, at Westminster, the fourteenth day of February.

By the King himself.

386. PATENT by KING CHARLES THE SECOND, creating JAMES DUKE OF MONMOUTH and his heirs-male by ANNA COUNTESS OF BUCCLEUCH, Dukes of Buccleuch, etc. 20th April 1663.

CAROLUS Dei gratia Scotiae, Angliae, Franciae, et Hiberniae Rex, Fideique Defensor, omnibus probis hominibus suis ad quorum notitiam haec pervenient salutem : Sciatis nos, intelligentes a diademate nostro et regali praerogativa, ut a primo fonte, omnes honoris scaturigines ad cives manare, et ut reliquorum praemiorum (*sic*) quibus de principe patriaque benemerentium studia et labores compensantur, sic nominatim insignes nobilitatis titulos gradusque dignitatis (cum quibus ad arduam virtutis orbitam calcandam tanquam facibus generosae mentes accenduntur) a supremi principis liberalitate et donatione vnice pendere ; cumque nobis maxima spes affulgeat nobilis et serenae indolis dilecti nostri filij naturalis Jacobi Monumethae Ducis, atque adeo quantum nobis postea in rebus et negotijs nostris Scoticanis (vbi emolumentum eius proprium non parum elucescit) prodesse poterit : has ob causas volentes familiam illam nunc vinculo affinitatis dicti dilecti nostri filij naturalis subnixam vlteriore honoris accessione augere et amplificare, creasse, constituisse, huiusque diplomatis tenore creare ac constituere eundem Jacobum Monumethae Ducem, filium nostrum naturalem et haeredes masculos ex corpore suo inter illum et Annam Buckcleuchiae Comitissam procreandos, quibus deficientibus, haeredes quoscunque e suo corpore descendentes qui succedent in praedia et comitatum de Buckcleugh, Duces Buckcleuchiae, Comites Dalkethi, Dominos Scott a Whitcestria et Escia, ut omni tempore futuro ita denominentur, vocitentur et designentur, cum omni privilegio, immunitate, et praecedentia eo spectantibus et pertinentibus, in omnibus et singulis parliamentis, generalibus concilijs, alijsque congressibus quam

publicis quam privatis: Tenendum et habendum antenominati honoris titulum dignitatemque memorato Jacobo Monumethae Duci et eius praedictis de nobis et successoribus nostris, non minore juris libertate et amplitudine quam ullus alius Dux in eo regno nostro honorem et dignitatem suam tenuerit, teneat, habuerit, habeat. In cujus rei testimonium huic praesenti nostro diplomati magnum sigillum nostrum appendi praecepimus: Apud aulam nostram de Whithall vigesimo die mensis Aprilis anno Domini millesimo sexcentesimo sexagesimo tertio et anno regni nostri decimo quinto.

Per signaturam manu supremi domini nostri Regis suprascriptam.

Writtin and doubled to the great seall the eight day of July 1663.

WILL. KER.

Sealled at Edinburghe the aught day of Julij 1663.

JO. CUNYNGHAME. Gratis.

[The original Patent from which the above copy has been made is in the Buccleuch Charter-room. A duplicate, almost word for word with the above Patent, and like it an original, is preserved in the Public Record Office, London. It contains the following indorsations and docquets :—

Scriptum ad magnum sigillum S.D.N. Regis a me cancellariae directore subscribente, octavo die mensis Julij 1663. WILL. KERR. Gratis.

Sigillatum magno sigillo S.D.N. regis octavo die mensis Julij 1663.

GLENCAIRNE, Cancellarius. Gratis.

Apud Edinburgum decimo die mensis Julij 1663. Diploma hoc, a Regiae Majestatis legato regni comitiis exhibitum publiceque a regio rotulorum clerico in comitiis perlectum, fuit deinde a legato regio traditum Eglintoniae comiti qui nomine ducis et ducissae Bacclusii illud genibus prostratus acceptitavit. A. PRIMEROSE, Cls. Reg.

Apud Edinburgum vigesimo quinto die mensis Augusti 1663. Diploma hoc, a Regiae Majestatis legato in presentia dominorum secreti concilii exhibitum publiceque a clerico dicti concilii perlectum, fuit deinde a legato regio traditum Eglintoniæ comiti qui nomine ducis et ducissae Buccleughiae illud prostratis genibus accepit.

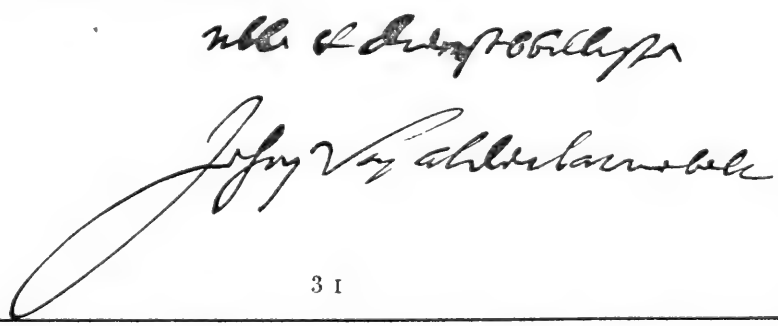
PET. WEDDERBURNE, Cl. S^ti^ Concilii.]

II.—LETTERS. 1611–1636.

387. JOHN VAN OLDENBARNEVELT, the Dutch Statesman, to HERR NOEL DE CARON, Ambassador from the Netherlands at the English Court. The Hague, 3 August 1611.

MYN HEERE,—Alsoo desen Bode gereet zyen omme nar Engelant te reysen mij aengesproochen heeft, soo en hebbe ick nyet kunnen laten uwe E. te begroeten en te bedancken van zyne laetste aduisen gefonden by Duyst, wesen van de x^en^ Julij. Veris veerthien dagen geleden dat ick van Amersfoort weder alhier zyn gecommen. Die accessen van de coortse zyen aldaer zeer gesleten, maer is altyt een cleyn relique gebleuen beneffens die debiliteyt. Ick geloue vastelyck dat nyet alleen de veranderinge van de locht maer oock van het besoinghe mij dienstelyck is gebleeft, gelyck ick alhier gecommen zyen daechelyck bevinde, dat voor mij nyet draechelyck en is het vervolch van zaecken die mij daechelyck voorkommen ende daeromme zal ich nooleyck (omme te kommen tot confirmatie van mijn gesontheyt) noch vooreen maent ofte zes weecken mij vuyten besoinghe en consequentelyck vuyt dese plaetse moeten begaen, want mijn wordt ontraden in dese poincten, in den Herfst te gaen. Den Heere Wynwond heeft mij geseyt noch gheen last opte zaecke in uwen verst brieft verhaelt ontfangen te hebben, maer wel aduis dat hy last ontfangen zoude. Men moet notelyck igens dese piraterie ordre stellen, off sijne Ma^ts^ ondersaten zullen aldaer soo wel als de onze beschadicht worden, zulck dat by gemeene ordre en macht daer inne behoort versien te worden. Het veruolch van den Hartoch van Sauoyen en han mij nyet behagen. Ick hadde verhoopt dat yet goets mitten Cheurfürst daerop zoude beslooten hebben mogen worden. Ick zal uwe maerdere aduisen tot rechtinge van zaecke verbachten, ende hier W in Godes zeylighe bewaringe bevelen.

Sluyt den Hagge, den 3 Augusti 1611.



[Address] : Edlle gestrenge wiise voorsidinge zeer discrete Heere, Mijn Heer Noel de Caron, Ridder, Heere van Schoonewalle, Ambassadeur van Ho. Mog^en^ Heeren Staten Generael der Vereenichde Nederlanden, by signe Ma^t^ van Groot Britannie.

TRANSLATION.

As the messenger who is about to sail for England has just been speaking with me, I could not but avail myself of the occasion to send you my compliments, and to thank you for your last advices, dated the 10th July, which reached me through Duyst. It is fourteen days since I returned here from Amersfoort. The fits of the fever had there much diminished in intensity, but the malady has not altogether left me, and I am suffering from debility. I am quite convinced that not only the change of air, but also the cessation from business, has been beneficial to me, as since my arrival here I daily feel that the constant pressure of business which daily comes upon me is quite intolerable, and therefore I shall be obliged, for the re-establishment of my health, to pass a month or six weeks without working, and consequently away from this place ; for I have been dissuaded in the present state of the case to go at harvest time. Mr. Wyndwond has told me that he has received no orders respecting the matters mentioned in your last letter, but only an intimation that he would receive orders. One must of necessity take measures against that piracy, or otherwise his Majesty's subjects, as well as our own, will sustain injury ; to guard against this there should be common orders and action on the part of the two nations. The affair of the Duke of Savoy has not pleased me. I had hoped that some satisfactory arrangement might have been made with the Prince Elector in this matter. I shall expect further advices from you as to the turn affairs are taking, and now commend you to God's blessed keeping.—Your most devoted,

JOHAN VAN OLDENBARNEVELT.

Sluyt den Hagge, 3 August 1611.

[Address] : To the noble, upright, provident, very discreet lord, my Lord Noel de Caron, knight, Lord of Schoonewalle, Ambassador of their High Mightinesses the States-General of the United Netherlands, at the Court of his Majesty of Great Britain.

388. King James the Sixth to Walter Earl of Buccleuch.
10th December 1622.

James R.

Right trustie and right welbeloued cosen and counsellour, wee greete yow well. Vnderstanding of the Marquis of Hamilton's dealing with yow for your right of some landis and tyndes whiche, formerlie appertening to late Frances sometime Earle of Bothwell, fell into our handis by his foirfaltoure, and wer for good respects disponed by vs to your late father, wee haue thoght fitte, for the better disposeing yow to yeald to his desire, hereby to recommend vnto yow the performance of that purpose as a thing whiche wee earnestlie affect; and therfore, not doubteing but yee will proceed to a finall end therof with such expedition as may merite oure thankis, and manifest your readines to satisfie our requiste in so reasonable a matter and in favours of such a partie as yee know for many good respects to be deare vnto vs, wee bid yow in that assurance farewell. From our Courte at Newmarkett, the 10th of December 1622.

In dorso: To our right trustie and right welbeloued cosen and counsellour, the Earle of Bukcleugh.

389. Obligation by King James the Sixth and Charles Prince of Wales not to restore the Earl of Bothwell's children, etc. 10th December 1622.

James R.

Whereas wee wer pleased, in consideration of the many good services done to vs by late Walter Lord of Bukcleughe, to gift and dispone too him certyne lands, benefices, and others, whiche, appertening to late Frances sometime Earle of Bothwell, did by his foirfaltour become in oure hands, and forasmuche as our right trustie and right welbeloued cosen and counsellour, Walter now Earle of Bukcleughe, is, at the earnest desire as well of ourself as of oure dearest sone Charles Prince of Wailes, etc., to dispone a certane part and portion of the saidis landis, benefices, and others their pertinents, to oure right trustie and right welbeloued cosen and counsellour, James Marquis of Hamilton: in acknowledgement therof and for a further manifestation of our princelie favour towardis them, wee, with consent of our said dearest sone, and eache of vs for oureselues, binde and oblige vs *in verbo principis*, that wee nor none of vs, our heirs nor successouris, shall not restore nor anywise enhable any of the said sometime Earle of Bothwel's children or posteritie to seeke or obteane any part or portion of the whole

landis, benefices, and others whatsomever, whiche by reason of his said fall and foirfaltour became into our hands, nor doe any fact or dead in preiudice of the infeftments and securities graunted to the said late Walter Lord of Bukcleughe or any other hauing right from vs of any part of the said whole foirfalted landis and others, and of the Actes of Parlement made in his and their favours, without the speciall aduice and consent of the said James Marquis of Hamilton and Walter now Earle of Bukcleughe, their heirs or assignayes, first had and obteaned therto : and for their further securitie, wee are content these presents be registrate in the Bookes of Counsell *ad futuram rei memoriam*, and to that effect wee ordaine our present advocat, Sir William Olyphant of Newton, knight, or any others our advocats whiche shall happin to be for the tyme, to compeir and consent, for vs and eache of vs, to the registration hereof, by these presents, given vnder our hand and subscriued by our said dearest sone Charles Prince of Wales, at Newmarket, the 10th of December 1622.

390. Charles Prince of Wales to Walter Earl of Buccleuch.
10th December 1622.

Right trustie and right welbeloued cosen, wee greete yow well. Wee haue vnderstood of some dealing betweene oure cosen the Marquis of Hamilton and yow for your right of certyne landis and tithes whiche, formerlie belonging to late Frances sometime Earle of Bothwell, doe now appertene vnto yow, and that oure dearest lord and father, the King's Maiestie, hath beene gratiouslie pleased to recommend vnto yow the finisheing of that purpose with expedition ; so as after so powerfull a recommendation no place of intercession being left vnto vs, wee will onlie wishe yow to goe fordward to a speedie and finall end of that bussines, with assurance that wee will owe vnto yow no lesse thankes then yf yee had done the same at oure sole desire ; and soe wee bid yow farewell. At Newmarket, the 10th of December 1622.

Charles P.

In dorso: To oure right trustie and right wellbeloued cosen, the Earle of Bukcleughe.

391. King Charles the First to The Lord Advocate. March 1630. [Copy.]

Trustie and welbelouit counsellour, we greet you well. Haueing pervsed the ansuer that you sent vnto ws for preventing of any inconvenient that might aryse vnto Frances Steuart, sone to the late Earle Bothuell, by meanes of the Act of Prescription, efter diuerse considerationes, the noblemen here present who haue interest in that which he doth clame, are willing to renunce all benefite that they, thair aires or successouris or any haueing right from them or to thair behove, can pretend against the said Frances by vertew of the said Act of Prescription, to the effect that the power may still remaine in our persone to determine thairin as wee think best, as if the said Act had never beine made. Thairfore our pleasour is, that with all diligence you immediatlie cause draw vp all suche surtie or surtyes as yow think requisit in law for the effect forsaid, that the tuo noblemen here present may presentlie renunce all benefite that they, thair aires or successouris or any haueand right from them or to thair behove, may clame against the said Frances be vertew of the said Act of Prescription. And it is our farther pleasour that you mak interruption in our name to our right trustie and welbelouit cousing and counsellour, the Earle of Bukcleugh, and to all other persones who doe not renunce in dew tyme all benefite that may arise to him or them, or to any of them, of the landis, tythes, wodsettis and vtheris be vertew of the said Act of Prescription, as the said noblemen here present are content to doe, so that the said Frances be put in no worse caise by meanes thairof, but that the said estate may still remaine in our handis to be disposed vpon; and if the said Earle or any otheris interest in that estate, shall not, as they doe, renunce all benefite that can arryse by vertew of the said Act, if you find the interruption made in our name will not be sufficient against the said Earle or otheris who doe not in dew tyme renunce for the effect forsaid, wee are lykwayes pleasit that you draw vp ane power for the said Frances from ws in his owne name to mak interruption to the said Earle or to any who doeth not renunce in maner aboue specifeit, prouyding alwayes he haue no power to proceed farther then to mak the said interruption, vnles he haue ane further warrand from ws to that purpose. And soe, because of the schortnes of the tyme, recommending earnestlie vnto your cair that all diligence possible be vseit for effectuating this our intention aboue exprest, wee bid you fairwell.

In dorso: Copie of his Maestie's letter direct to his Aduocat. Marche 1630.

392. King Charles the First to The Privy Council of Scotland.
31st August 1631. [Copy.]

Right trustie and right welbeloued cousin and counsellour, right trustie and right welbeloued cousins and counsellouris, right trustie and right welbeloued counsellouris and trustie and welbeloued counsellouris, we greete zow well. Whereas we haue heretofore sufficientlie signified vnto zow our plesure for exhibiting vnto ws the true rentallis of the landis of the earledome of Bothuell possessed by the Earle of Buckcleuche, and intending the self same course with the abacie of Kelso, which we did not mentioun in our former letter, we thairfoir have thought fit hereby to will and requyre zow (notwithstanding of any preceiding warrand) presentlie to go on in the lyk course with the abacie of Kelso, by exhibiting vnto ws a true and perfect rentall of all the temporall landis of all that whole abbacie, togidder with a perfect valuatioun of the spiritualitie thereof; and fearing zour ordinarie way of valuatioun proue long and tedious, we hereby lykwyse will zow to embrace whatsoeuir speedie course zow in zour iudgment sall find most fitt; and in respect of zour not frequent meitingis in vacation tyme, wee lyke it well that a committe be choisin out of zour number of such as reside nearest our burgh of Edinburgh, if zow think it fitt, who for the speedie dispatch of these rentallis and valuatiounes may with the greater conveniencie meete so often as the necessitie of this service sall requyre: so, recomending this to zour speciall care and diligence, as our trust is in yow, wee bid zow fairewell. From our Court att Nonsuch, the last of August 1631.

In dorso: His Maiestie to the Counsell; daittit the last of August 1631.

393. The Scottish Privy Council to King Charles the First.
13th November 1632. [Copy.]

Most sacred Soverane,—Whereas your Maiestie has beene pleased by your seuerall letters of the 8th and last of August 1631, and 28th of May 1632, to recommend vnto ws the tryell of the estait and rent of the erledome of Bothwell and abbacie of Kelso, whiche the Erles of Roxburgh and Buccleuche doe injoy by the forefaltour of the lait Erle of Bothwell and the inhability of Francis Stewart, his sonne, we have, in obedience of your Maiestei's royall command, and conforme to the order thereby prescribed, vsed our best care and diligence for cleering the truthe of that mater

referred by your Maiestie vnto ws; and after sindrie dyets and meetings keeped for a mutuall probatioune to have beene led be either of the saids parteis, in end the said Francis made offer and wes content, for facilitating of the said tryell, to referre to the saids Erles thair oathes of veritie the rent of the estait whiche they bruike and injoy by the forefaltour, or whiche is now payed vnto thame, or hath beene heeretofore payed to the lait Erle Bothwell or abbots of Kelso; quhairvpoun the said Francis gave in three bookes, conteaning the names of the lands and possessouris thairof, blanke in the dewteis, whiche wer givin to the saids Erles to be filled vp by thame, who accordinglie reproduced the double of the bookes, filled in the dewtie, and thairvpon made faith in judgement that the same wer trew according to thair knowledge and the informatioun whiche they had receaved thereanent frome others, and therewithall produced ane renunciatioun vnder thair hand for quytting to your Maiestie the benefite of the forefaltour of suche lands and teinds as they professe to bruike by others rights nor the forefaltour and the said Francis his inhabilitie. And as concerning the churches of laick patronages belonging to the said Erle of Buccleuche, in regarde the said Erle hes onelie right to the presentatioun and not to the fruicts of the benefices (whairof he receaves no profite), we haue thought meit, for your Maiestei's better informatioun concerning the different worth of the seuerall patronages, to acquaint your Maiestie with the estait of the particular thinges, according as the same hes beene valued befor the Sub-Commissioners for the Teinds, the copeis of whiche valuatiouns, with the extract of the processe led and deduced before ws, we have thought fitt to send vp to your Maiestie, ~~to~~ be considerit and disposed of as your Maiestie in the excellencie of your incomparable wisdome sall thinke fitting; which for ane accompt of our proceedings we humblie offer to your Maiesteis princelie consideratioun, etc.

Subscribitur:

MORTOUN.	J. DUNKELDEN.
HADINTOUN.	A. DUMBLANE.
STRATHERNE.	TRACQUAIR.
ANNERDAILL.	CLERK REGISTER.
LAUDERDAILL.	SECRETAR.
LORNE.	ADVOCAT.

Halyrudhous, 13 Novembris 1632.

394. King Charles the First to The Privy Council of Scotland.
26th May 1634. [Copy.]

Right, etc. Whearas by our directioun Sir Johne and Sir Williame Scottis, two of the Erle of Buccleughe's tutouris, have repaired to our Court to knaw our pleasour touching the particularis of our decreit arbitrall and expositioun thairof, with quhome we have conferred thairin, finding thame werie willing to obtemper quhatsomever we will ordayne thairin; and sieing formarlie we gave ordour to our advocat to draw vp ane minut of ane contract betuix the lait Erle of Buccleughe and Francis Stewart, for setling of thame, conforme to our decreit, quhilk minut was than subscryved be the pairteis: thairfoir it is now our pleasour that the said minut be extendit in forme be the advyse of thair mutuall advocatis, if they be present, and by the advyse of our advocat, quhome we do heirby will zow to appoynt to sie the same formerlie done according to the intent of the inclosed minute, in all poyntis; and our pleassour is that the said Francis be entered to the vplifting of the fermes and dewteis of the landis dew to him since the dait of our decreit, and in tyme comeing; and being secuired of the said landis formerlie possessed by the lait Earle and his father, and quhairof they or ony of thame wer in vse to vplift the maillis and dewteis, that he renunce all title to the rest of the saidis landis, tythes, and superioriteis in favouris of Francis now Erle of Buccleughe, except suche landis and tythes as wer not valued by the said lait Erle, and sua come not vnder our decrie, or wer by him, the said Erle, renunced in zour presence; at the least, ony rycht thairof quhilk he had thairvnto by the forfault of the lait Earle of Bothwell, quhairvnto we formerlie did and now doe declair that we will enabill the said Francis *pro tanto* that he may plead ather for the vnvalued or renunced landis and tythes, as said is, to the end he may recover the laue by the lawes of the kingdome, if he have right thairvnto, and that ordour may be gevin to draw vp a signatour or gift of forfaultour thairof to the said Francis, conforme to the intentioun of his Maiestei's decreitis arbitrall and actis of counsall maid thairanent of befoir: and the contract being sua exped, it is our pleasour that boith the saidis pairteis subscryve the same in zour presence or some of zour number appoynted by zow; which if ather of the pairteis refuis, we will that our advocat concure with the vther pairtie and vrge the fulfilling of the decreit arbitrall and our expositioun thairof by ordour of law: quhairanent this sall be his warrand. All which seriouslie recommending to zour cair, we bid zow fairweill. Daitit at Greenewich, the 26 day of Maii 1634.

395. King Charles the First to Sir John Scott of Scotstarvit, Sir William Scott of Harden, and Laurence Scott, advocate, tutors to the Earl of Buccleuch. Bagshot, 15th September 1635.

Charles R.

Trustie and welbeloued, we greete yow well. Wnderstanding that the businesse betuixt the Earle of Bucleugh and Francis Stuart is not as yet fullie setled, and in regard of the paines wee haue taken therein heretofore, being werry desirous that it be brought to an end for the well of both : wee haue resolwed either to see it done at our sight, or to consider what the next course is, and to whom (if it cannot then be determined) it should be remitted, that wee be no more troubled therewith : Therfor it is our pleasure that yow who are entrusted with the Earle of Bucleugh's affaires, or such others as yow think fitt to bring with yow for that effect, repair towards vs with all convenient diligence, well instructed with what concerneth the said businesse which wee desire so earnestlie to be accommodated ; so, exspecting your coming hither, wee bid yow farewell. From our Court at Bagshote, 15 September 1635.

To our trustie and welbeloued, Sir John Scot of Scotistaruit, knight, director of our chancerie, Sir William Scot of Harden, knight, and Laurence Scot, aduocat, tutours to the Earle of Bucleugh.

396. King Charles the First to The Privy Council of Scotland. 27th October 1635. [Copy.]

Councell.

Ryght, etc. Whereas wee had giuen order to those who are entrusted with the estate of the Earle of Bucleugh to repair to our Court, that wee might see a finall end put to that businesse betuixt him and Francis Stuart, which hauing heard from them that in regard of seuerall businesse much concerning the good of the said Earle they cannot so suddenly performe ; and being willing, since wee haue hitherto taken so much paines in the businesse ourself, to see likewise the conclusion thairof, wee haue thought fitt to recommend to yow that all processe concerning the same sall cease till their comming hither, or till yee heare from vs touching that purpose, and that yow signifie our pleasure herein to any judicatorie whom it may concerne, for which these presentis, etc. Hampton Court, 27 October 1635.

In dorso : The copie of the Kingis twiching the Erle of Buccleuch and Francis Stewar[t], daittit the tuentie sevint of October 1635.

397. King Charles the First to the Tutors of Francis Earl of Buccleuch. 11th January 1636.

Charles R.

Trustie and welbeloued, wee greet yow well. According to our pleasure formerlie signified vnto yow, that the businesse between the Earle of Bucleugh and Francis Stuart might be fullie setled in regard of the paines we haue heretofore taken therein, it is our pleasur that yow who are entrusted with the said Earle's affaires, and such others as yow sall think fitt to bring with yow, repaire towards vs between this and the first of March next, well instructed with that which concerneth the said businesse, which wee desire so earnestlie to be accommodated. Wee bid yow farewell. From our Court at Whitehall, 11 Januar 1636.

In dorso: To our trustie and welbeloued, Sir John Scot of Scottestaruit, knight, directour of our chancerie, Sir William Scot of Harden, and Laurence Scot, aduocat, tutours of the Earle of Bucleugh.

III.—MISCELLANEOUS PAPERS. 1470-1696.

398. CONTRACT OF MARRIAGE between JAMES OF DOUGLAS, younger of Drumlanrig, and JONET SCOTT, daughter of DAVID SCOTT of Buccleuch. 5th November 1470.

THIS endentour, made at Edinburgh the fyft day of the moneth of Nouember, the zere of oure Lord a thowsand four hundreth and sevinty, betuix richt honorabil and worschipful men, William of Douglas of Drumlangrig, on the ta pairt, and Dauid Scot of the Bukcluth, on the tother pairt, contenis, proportis, and beris witnes that it is appointit and fullely accordit betuix the said parties, in fourme and maner as folowis, that is to say:—That James of Douglas, sone and apperand are to the said William, sall, God willing, mary and haue to wyff Jonet Scot, the dochtir of the said Dauid, in all gudly haste: for the quhilk marriage to be made, fulfillit, and complete, the said Dauid, his aieris or assignais, sall content and pay of tochir wyth the said Jonet his dochtir, to the said William, his aieris or assignais, the soume of fyve hundreth merkis of vsuale mone of Scotlande, in fourme and manner as folowis, that is to say, a hundreth markis at the completing of the said mariage, ande at the next Fest of Sanct Martin in wynter next thairefter fyfty merkis, ande at the Fest of Witsonday next thairefter folowand fyfty merkis, and swa furth at ilk terme of Mertimes and Witsonday fyfty merkis, ay and quhil the said soume of fyve hundreth merkis be fullely content and pait to the said William, his aieris or assignais: alswa the said William sal, in al gudly hast eftir the completing of the said mariage, gif and infeft the saidis Jamis his son and appering are, and Jonet his spous, and thair aieris, heritabilly, be charter and sesing, in twenty pundis worth of his landis, that is to say, the Est Manis of the Kirktoun, with thair pertinentis, lyand in the barony of Hawic, the Cragcrochry and the Fyrdinfarn, wyth thair pertinentis, lyande in the barony of Drumlanrig: ande attour, it is accordit that the said Dauid sall mak the landis of Quhitchestir, wyth thair pertinentis, to be haldin of the said William and his aieris in ward and relief, as sic like tennandis haldis of the said William wythin the barony of Hawic; and gif men of law fyndis at the said Dauid may hald the said landis of the said William but prejudice of his heritage, the said Dauid sal cum tenand to the said William within fourty dais next eftir the next justiceare beand haldin in Jedworde; and falzeand thairof in the said Dauidis defalt or his aieris, the said Dauid and his aieris sall pay to the said William or his aieris the soume

of four hundreth merkis of vsuale mone of Scotlande; ande gif men of law findis at the said Dauid and his aieris may nocht hald the said landis of Quhitchester wyth thair pertinentis of the said William, but prejudice of his heritage, the said Dauid and his aieris sal content and pay to the said William or his aieris twa hundreth merkis at four vsuale termis, as is before wryttin; and the said William sal heretabilly infeft the saidis Jamis his son, and Jonet his spous, into the said twenty pundis worth of lande, within the terme of fourty dais next eftir the completing of the said mariage: And to the keping, observing, and fulfilling of al and sindry the poyntis, articlis, and condicionis abone writtyn, ather of the said parties has lelely and treuly oblist thaim til vtheris be the fathis of thair bodies, and for the mare sekirnes, the haly ewangelis tuichit, has gevin thair bodely athis, and to the partis of thir endentouris entirchangeabilly has set to thair selis, the yere, day, and place abone writtin.[1]

399. Decreet by the Lords of Council in favour of Elizabeth Kerr, spouse of Walter Scott of Branxholm. 23d October 1495.

xxiii Octobris. Sederunt—Episcopus Aberdonensis, cancellarius; comes de Ergile; domini Glammis, Oliphant; abbates de Scona, Calco; clericus registri; magister Jacobus Hendrisone.

In the actioun and causs persewit be Walter Ker of Cesfurd, Walter Scot of Branxhame, and Elizabeth Ker his spous, the spous of vmquhile Philp of Ruthirfurd, son and apperand are to the said James, on the ta pairte, and James Ruthirfurd of that Ilke, on the tothir pairte, for the wrangwis detencioun and withhalding fra thaim of the thrid pairte of the soume of ane hundreth merkis vsuale money of Scotland zerely, be the space of a zere and a half bigain, extending in the hale to the soume of fifti merkis; and for the wrangwis deferring to gif to the said Elizabeth in lifrent the thrid pairte of ane hundreth merkis worth of land liand in competent place, eftir the forme of a decrett arbitrale gevin betuix the saidis pairtiis and eftir the forme of certane indenturis: baith the saidis pairtiis beand personaly present, thair richtis, ressonis, and allegacionis at lenth sene, hard, and vnderstandin, the Lordis of Consale decrettis and deliueris that the said James Ruthirfurd sall content and pay to the said Elizabeth the said somme of fifti merkis eftir the forme of the said decrett arbitrale, and as the said James grantit in presens of the Lordis; and ordinis that lettrez be writtin to distrenze the said James, his landis and guidis thairfore; and also decrettis and deliueris that the said James sall

[1] Original at Drumlanrig.

giff in lifrent to the said Elizabeth the thrid pairte of ane hundreth merkis worth of land liand in competent place eftir tenour of the forsaid decrett arbitrale, and entir hir to the sammyn; and scho beand entrit therto, the said James sall mak the said landis to be set to tennentis responsale for samekle malez zerely, and, failzeing thairof, the said James Ruthirfurd sall content and pay the malez thairof zerely to the said Elizabeth als lang as the pece and trewis standis betuixt Prince and Prince of Scotland and Ingland, lik as the said James grantit in presens of the Lordis; and ordinis our Souerane Lordis lettrez be direct herapoun.[1]

400. CONTRACT between the SCOTTS and the KERRS. Edinburgh, 22d March 1564; and registered in the Books of Session on the following day.[2]

AT Edinburghe, the xxij day of Merche, the zeir of God j^{m}v^{c}lxiiij zeiris, it is appointit, aggreit, and finale concordit betuix rycht honorabill men, Schir Walter Ker of Cesfurde, knycht, for himself and takand the burding vpoune him for his barnis, and for his bruder Mark, Commendatar of Newbottle, and his barnis, Johnne Hwme of Coldenknowis and his bairnis, Andro Ker of Fawdounsyde, his bairnis and breder, Thomas Ker of Marsingtoune, his fader, bruder, and thair bairnis, George Ker of Lyntoune, his bairnis, his oyis and bruder bairnis, Richard Ker of Gaitschaw, his barnis and breder, Andro, Williame, and Johnne Kerris, brether to Schir Thomas Ker of Pharnyhirst, knycht, Mark Ker of Kippeschaw and his sone Robert Ker of Lochtour, Robert Ker, elder, burges of Edinburcht, and all vtheris, thair barnis, brether, kyn, and freindis, men, tennentis, and servandis, excepte the freindis vnderspecifeit, nocht comprehendit vnder this appointment, one that ane pairt; and Walter Scott of Branxholme and Bukcleuch, with consent and assent of ane rycht michte and noble Lord, James Duike of Chatteaularault, Erle of Arrane, Lord Hammiltoune, etc., Schir Johnne Maxwell of Terreglis, knycht, Schir Johne Bellendene of Auchnoule, knycht, iustice-clerk, Maister Johnne Spens of Conde, aduocat to our Souerane Lady, Andro Murray of Blakbarony, Michel Balfour of Burlye, Thomas Scott of Haning and Robert Scott of Thirlstane, curatouris to the said Walter, for thair interes, for himself, and takand the burding vpoune him for his haill surname and the relicte and bairnis of vmquhile Schir Walter Scott of Branxholme, knycht, his gudeschir, and als for Williame Cranstoune of that Ilk, his barnis and breder, the brether of vmquhile the Laird of Chisholme, Johnne Glaidstanis

[1] Acta Dominorum Concilii, 23° Octobris 1495.

[2] Register of Deeds in H. M. General Register House, Edinburgh, vol. vii. fol. 131.

of that Ilk and his barnis, James Langlandis of that Ilk and his barnis, Walter Vache of Syntoun and his barnis, and for James Ormistoun of that Ilk, conditionally, as followis, and als for all vtheris, his kyn, freindis, servandis, men, tennentis, assistaris and partakaris, on that vther pairt, in maner, forme, and effect as efter followis :—That is to say, the said Lard of Bukcleuch nor na vther for quhome he takis burding as said is, sall ony way persew the said Lard of Cesfurde nor na vther comprehendit vnder this present appointment, criminale nor civilie, for ony slauchter or blude committit in tyme bypast, and is content to be perpetualie secludit thairfra *per pactum de non petendo*, and sall neuer move actione, beir hatrent, grudge, or displesour thairfor, bot bury and put the samyn vnder perpetuale silence and oblivioune, and to leif in perfite amite, lufe, and Cristiane nychtburhede in all tymes cuming ; providing alwayis, that heirby that the said Lard of Bukcleuch and all vtheris quhame he takis burding, be na wayis preiugit anent thair actionis quhatsumeuir that thai haif intentit or may intent aganis Schir Thomas Ker of Pharnyhirst, knycht, Schir Andro Ker of Hirsell, knycht, Robert Ker of Wodheid, Johne Haldene of that Ilk, Gilbert Ker of Prymsydloch, James Ker of Corbet, Robert Ker of Gradene, Andro Ker of Hietoune, thair barnis, brethir, and servandis, and all vtheris that are nocht comprehendit vnder this appointment, bot that thai may persew and obtene the samyn as thai think maist expedient be the law, and that becaus the saidis personis, being requirit be the said Lard of Cesfurde to cum with him and to do thair devite for thair pairt of thairis appointment, hes refusit to do the samyn, and als becaus that in this present appointment thair is na proffett, nowther gevin nor takin, quhairby the said Lard of Bukcleuch and his frendis and vtheris foirsaidis ar preiugit anent thair saidis actionis, and that it is the express mynd of all the pairteis presentle contractaris that the samyn be fullele reservit :—And siclik vpoune the vther pairt, the said Lard of Cesfurde, nor na vtheris quhomefor he takis the burding, sall in ony wyis persew the said Lard of Bukcleuch, nor na vtheris his kyn, freindis, servandis, men, tennentis, assistaris, or pairttakaris, criminale or civile, for ony slaychter or blude committit in ony tyme bipast, and is content to be perpetualle secludit thairfra *per pactum de non petendo*, and sall nevir move actioun, beir hatrent, grudge, or displesour thairfoir, bot bury and put the samyne vnder perpetuall silence and oblivioune, and to leif in perfite amite, luf, and Cristiane nychtbourheid in all tyme heireftir :—Attour, it is heirby expreslie and faythfulle contractit, that for mair sure removing, stancheing, and awayputting of all inymite, hatrent, and grudge standand and consavit betuix the saidis pairteis throw the vnhappy slauchter of the said vmquhile Schir Walter Scott of Branxholme, knycht, and for the better continuance of amite, favour, and freindschip amangis thame in tyme cuming, the said Schir Walter Ker of

Cesfurde, knycht, sall, vpoun the xxiij day of Merche instant, cum to the perroche kirk of Edinburcht, now commonele callit Sanct Geillis Kirk, and thair befoir none, in sycht of the pepill present for the tyme, reuerently vpoune his kneis ask God mercy of the slauchtir foirsaid, and siclik ask forgivenes of the same fra the said Lard of Bukcleuch and his freindis quhilkis sal happin be thair present, and thaireftir promis, in the name and feir of God, that he and his freindis sall trewle keip thair pairt of this present contract, and sall stand trew freindis to the said Lard of Bukcleuch and his freindis according heirvnto, in all tyme cuming; the quhilk the said Lard of Bukcleuch sall reuerentlie accept and ressave, and promise, in the feir of God, to remit his grudge and nevir remember the same, bot sall observe and fulfill his pairt of this present contract to the said Lard of Cesfurde, according to the tennour thairof, siclik in tyme cuming:—And als, Thomas Ker, secund sone to the said Lard of Cesfurde, sall, God willing, solempnizate and compleit the band of matrimony in face of Christis congregatioune with Scott, sister to the said Lard of Bukcleuch, betuix this and the last day of May nixt to cum, but ony tochir to be payit be hir said bruder or ony vthir freyndis with hir; and the said Lard of Cesfurd sall provide thame ane honest and ressonable sustentatioune and leving efferand to thair estait and conditioune; and als sall caus the said be infeft in her virginite, in coniunct-fee or lifrent, with hir said future spous, and thair airis lauchfullie gottin or to be gottin betuix thame, quhilk failzeing, the said Thomas airis quhatsumeuir, in all and haill landis or annuelrent of the availl of ane hundreth merkis be zeir, to be haldin of the superiour be resignatioun or confirmatioun at the plesour of hir said bruthir; and thaireftir, the said to be infeft in coniunct-fee in lifrent with hir said future husband, at his and his said faderis gude will and plesour, in sik landis and leving as thai pleis mak hir, quhilk is referrit in thair will:—And siclik George Ker, eldest sone and apperand air to the said Andro Ker of Fawdounsyd, sall, God willing, solempnizeat and compleit the band of matrimony, in face of Christis congregatioun, with Jonett Scott, fader sister to the said Lard of Bukclewch, sa sone as thai salbe of perfite age and habilite for mariage, but payment of ony tochter to be payit be him or vthir hir freindis with hir; and gif it sal happin the said George to deceis befoir the compleiting of the said mariage, than and in that cais his nixt bruther that sal happin to appeir or succeid air to his said fader or him, sall marie the said Jonet, tochterfre; and siclyk failzeing of hir be deceis befoir the said mariage, than and in that caise the said George, and failzeing of him be deceis, his nixt bruther foirsaid sall solempnizeat and end mariage with hir nixt sistir that sal happin than be alyve, tochterfre, and sua salang as the said Andro sall haif ane sone,

and the said Jonet ane sister, the ane to marie the vther, tochterfre, as said is, ay and quhill mariage be anis compleit amangis thame ; and gif sal happin the said mariage to failze in the saidis Georges or ony vther his brederis defalt, than and in that cais the said Lard of Cesfurd, be the tennour heirof, oblissis him and his airis to pay and deliuer the sowme of ane thousand merkis to the said Jonett, or to hir vther sister to quhome the said mariage sall failze, within xl dayis nixt eftir the said failze be knawin :— Attoure, becaus the said Lard of Cesfurd hes of befoir requerit and desyrit, under the forme of instrument, the saidis Schir Thomas Ker of Pharnyhirst, knycht, Schir Andro Ker of Hirsell, knycht, and Gilbert Ker of Prymsydlocht, for thame and thair freindis, to adheir, concur, and assist to him in this present aggreance, and that thai haif refusit the samin, as is abonewrittin : thairfoir the said Lard of Bukcleuch nor his airis sall nocht aggre with thame or ony of thame, by the awyse of the said Lard of Cesfurde and his airis ; and gif it sal happin the said Lard of Bukcleuch or his airis to aggre with the saidis Schir Thomas, Schir Andro, and Gilbert, or ony of thame, by the awyse of the said Lard of Cesfurde, befoir the completing of mariage betuix the said George or ane of his brethir with the said Jonet or ane of hir sisteris, as said is, without the said Lard of Cesfurde be previe and consent thairto, than and in that cais the said George nor nane of his brethir salbe haldin or astrictit to compleit the said mariage, bot salbe fre thairof, nocht-withstanding this present contract, and sicklik as gif the samyn had neuir bene maid : and lik wyiss gif it sal happin the said Lard of Bukclewch to aggre with the saidis personis or ony of thame, eftir the completing of the said mariage betuix ony of the said Androis sonnis and the said Jonet or ony of hir sisteris, by the avise of the said Lard of Cesfurde, than and in that caise the said Lard of Bukclewch oblissis him, with auise of his curatouris foirsaidis, to content and pay to the said Lard of Cesfurde the soume of ane thowsand merkis, as for the tochir of the said Jonet, or ony vthir hir sister that hapins to be mareit, within xl dayis nixt eftir the said aggreance, gif it happynnis to be maid as said is, but ony exceptioune or remeid be vertew of this present contract, quhairby the said mariage suld be tochir fre, as is abone specifeit, to be proponit or allegeit in the contrar : providing alwayis that gef the said Lard of Bukcleuch aggre with the saidis Schir Thomas, Schir Andro, and Gilbert, or ony of thame, with auise of the said Lard of Cesfurde, than and in that cais the said Lard of Cesfurde sall nocht laubour nor desyir that thair offeris ellis offerit be diminissit, bot rather that thai be augmentit :— And zit mairour, becaus ther is perticulare deidlie feid and actionis betuix the said Walter Ker of Cesfurde, knycht, and the said James Ormistoune of that Ilk, thairfoir thai salbe compromittit in Dauid Spottiswod of that Ilk, and Thomas of Hopprin-gill of that Ilk, to be chosen for the pairt of the said Lard of Cesfurde, and in James

Langlandis of that Ilk, and Nicholace Rutherfurde of Hundely, knycht, to be chosin for the pairt of the said Lard of Ormistoun, and in odman and ourman in caise of variance or discord betuix the saidis iugis, to be commonele chosin be bayth the saidis Lardis of Cesfurde and Bukcleuch, anent the taking be the said Lard of Ormistoun of the landis of Nether Ancron and baillere thairof, in tak our the said Lard of Cesfurde heid, it being his kyndlie rowme of befoir, as he allegis; and anent the slauchter of vmquhile , best servand to the said Lard of Cesfurde, and als anent all vther materis, actionis, querellis, and debeittis betuix thame and thai, to be bund to abyde at the decreit and sentence of the saidis iuges and ourman, or maist pairt of thame, deliuerand in the saidis materis, quhilkis salbe haldin to deliuer thairin betuix this and the first day of August nixt to cum, and ane compromit to be maid thairupone and extendit in ample forme, as vse is in sic caissis: and gif it sal happin the said Lard of Ormistoune to reclame fra the decreit to be gevin be the saidis iugis and ourman, or maist pairt of thame, and nocht to abyde thairat, and fulfill his pairt thairof as he sall be ordainit be the same, than and in that caise the said Lard of Bukcleuch sall refuse him, and sall nowther manteine, fortife, nor assist him thaireftir in ony tyme cuming, bot sall tak pairt and fortife in honest and lesum maner with the said Lard of Cesfurde in his contrar; and gif the said Lard of Cesfurde sal happin to reclame fra the said decreit to be gevin as said is, than and in that caise the said Lard of Bukcleuch sall tak pairt with the said Lard of Ormistoune:—And finale, the saidis pairteis, be the tennour heirof, bindis and oblissis thame and thair airis that thai and personis abonewrittin for quhame thai haue takin burding, respectiue for thair awin pairtis, as said is, sall in all tyme cuming keip and retene amite, freindschip, lufe, favour, and kyndnes ilkane to vtheris, without ony grudge or occasioune to be movit in the contrar be thame or ony of thame to vtheris, be ony maner of way in tyme cuming; and gif it sal happin ony contraverse or pley to fall betuix ony of the freindis abonewrittin comprehendit vndir this present contract, for taking of vtheris steding or rowme owthir in tyme bigane or to cum, than and in that caise the mater sal be first schawin to the saidis Lairdis of Cesfurde and Bukcleuch, be quhaise avise the saidis pairteis sall cheis foure freindis with ane ourman as thai can aggre on, for ending and deciding of the said contraverse; and gif the pairteis can nocht aggre on the said ourman, than and in that cais the saidis Lardis of Cesfurde and Bukcleuch sall cheis ane ourman quhame thai can aggre on, quhilk ourman being chosin be thame, it sall nocht be [le]sum to the pairteis to refuse him, bot to approve and chuse him; and gef the saidis Lardis can nocht aggre on the said ourman, than and in that cais thai sall humle swte and desyer the Quenis Maieste and Counsale to cheis

ane ourman, quha being chosin, the pairteis sal be haldin and bund to stand content with him, and to abyde at his and the arbitratouris deliuerance, or maist pairt of thame deliuerand vpone the contraverse that sal happin to be debatabill for the tyme, but ony declaratioune to be maid in the contrar :—And for observing, keping, and fulfilling off all and sindrie the premissis, athir of the saidis partieis bindis and oblissis thame faithfulle to vtheris, in the maist strait forme and sielik stile of obligatioune can be dewisit, but fraud or gile, na remeid nor exceptioune of law quhatsumeuir to be proponit or allegeit in the contrar, renunceand the samin for thame, thair airis, executouris, and assignais, for now and evir, be thir presentis; and for the mair securite thai ar content that this present contract be insert and registrat in the bukis of counsale and decernit to haue the strenth of ane act and decreit of the lordis thairof, and that lettres and executoriallis be direct heirupone for compelling of athir of the saidis pairteis to fulfill the samyn for thair pairteis to vtheris in forme as efferis; and for acting and registring heirof, the saidis pairteis makis and constitutis, be thir presentis, Maister Dauid Borthuik thair vndowtit and irrevocabill procuratouris, gevand and committand to thame, coniunctle and seuerale, thair full power, expres bidding, and charge to compeir befoir the Lords of our Souerane Ladeis Counsale quhatsumeuir dais and places lauchfull, and ther desyir this present contract to be registrat in the saidis bukis of counsale, and the saidis lordis to interpone thair auctorite thairto, promittand to abyde ferme and stable, etc. In witnes of the quhilk thing, bayth the saidis pairteis and curatouris abone writtin, for thair interes, hes subscriuit this present contract with thair handis, and als Dame Jonet Betoun, the relict of the said vmquhile Schir Walter, hes, in signe of hir consent to the premissis, subscriuit the samin with hir hand, day, zeir, and place foirsaidis, befoir thir witnessis, Schir James Dowglas of Drumlangrig, knycht, Johne Stewart of Trocquair, Patrik Murray of Fallowhill, Murray of Cokpule, and Thomas Sinclair, writter to the previe seill, with vtheris diuerse.

Sic subscribitur :

WALTER KER of Cesfurde.
WALTER SCOT of Bukclewch.
JANET BETOUN, Lady of Bukclewch.
THOMAS SCOT of Hanyng.
JAMES MR. JOHNE SPENS, curatour abonewrittin.
JOHNE MAXWELL.
J. BELLENDENE as curatour.
ROBERT SCOT of Thirlstane, with my hand at the pen led be Dauid Laute, notare publict.

401. CONTRACT between WALTER SCOTT of Branxholm, knight, and ANDREW KER of Hirsell, knight, and other SCOTTS and KERRS. Melrose, 26th February 1568-9, and registered in the Books of Session on 9th March following.[1]

AT Melros, the xxvj day of Februar, the zeir of God j^{m}v^{c}lxviij zeiris, it is appunctit, aggreit, and finale concordit betuix honorable personis ; that is to say, Walter Scott of Branxholme, knycht, for himself, and takand the burding vpone him for Walter Cheisholme of that Ilk, and the remanent thair kyn, freyndis, allia, assistaris, and partakaris, with consent and assent of Schir Jhone Bellendene of Auchnoule, knycht, Maister Jhone Spens of Condy, Andro Murray of Blakbarony, and Robert Scott of Thirlstane, his curatouris, for thair interes, on that ane pairt ; and Andro Ker of Hirsell, knycht, for himself, and takand the burding vpone him for James Ker of Corbett, Walter Hog, and the remanent his kyn, freyndis, assistaris, allia, and pairt takaris, on that vthir pairt ; anent the slauchtir of vmquhile Walter Scott of Branxholme, knycht, and all vtheris questionis, querellis, debaittis, and contraverseis quhatsumeuir that is or hes bene in ony tymeis bigane betuix the saidis pairteis preceiding the day and dait heirof, in maner, forme, and effect as efter followis ; prouiding that this contract, appoyntment, and aggreance be nocht extendit to Thomas Ker of Pharnyhirst, knycht, his seruandis, partakeris, and allya nor assystaris :—that is to say, the said Schir Andro and James Ker of Corbert, accumpanyit with thair kyn, freindis, serwandis, assystaris, allya, and partakeris, sall, God willing, vpone Sone[day], viz., the threttene day of Merche, compeir personalie, within the parroche kirk of Melrose, about ten houris befoir none or thairby, and thar, efter the sermond, in presens of the freindis of bayth the saidis pairteis and vther being thair present for the tyme, and sall mak thair sic homage and sufferage to the said Schir Walter and his freindis as salbe thocht sufficient and aggreabill be the said Walter and his freindis for the said slauchter ; and siclyk, the said Schir Andro and James bindis and oblissis thame, thair seruandis, kyn, freindis, assysteris, allia, and partakeris, to tak, in all tyme cuming, ane trew, plane, and afauld pairt with the said Schir Walter and his foirsaidis, in all and syndre thair honest and lefull actionis and causis aganis all deidlie, the auctoritie being exceptit allanerlie ; and siclyke, the said Schir Andro and Walter Ker of Dolphingtoune, his sone and appeirand air, be the tennour heirof bindis and oblissis thame be the fayth and treuth in thair bodyis, to cause Johne Ker, oy to the said Schir Andro and eldest sone and appeirand air to the said Walter, to compleit and solempnizat the holy band of matrymonie with Elizabeth Murray, lauchfull syster to the said Walter, in face of haly kirk, how sone he beis of perfyte age, four-

[1] Register of Deeds in H. M. General Register House, Edinburgh, vol. ix. fol. 357.

tene zeiris outrun; and in caise the said Johne Ker depairt, at the plesour of God, befoir his perfyte age, as God forbyd, than and in that caise the said Walteris secund sone succeiding to the said Schir Androis heretage sall solempnizat and compleit the said haly band of matrymonie with the said Elizabeth, how sone he beis of perfyte age, viz., fourtene zeiris outrun; and sicklyk, in caise the said Elizabeth inlaik at the plesour of God, as God forbid, the said Walteris secund sone sall marie and solempnizat the said band with Agnis Murray hir secund syster, how sone sche beis of perfyte age, according to the lawis; and als in caise bayth the saidis and Agnes inlaik, as God foirbyd, at the plesour of God, befoir the compleiting of the said mariage, than and in that caise the said Schir Walteris secund sone succeiding to the said Schir Androis heretage sall compleit and solempnizat the said band of matrymonie with Agnis Murray, secund syster to the said Elizabeth; and in caise of failze of the foirsaidis personis, as God forbid, befoir the compleiting of the said band as said is, euery bruther succeiding to the said heretage sall compleit and fulfill the said band with the nixt full and lauchfull sister to the said Elizabeth, sa lang as thair is ony barnis on lyf on ather pairt lyke sib to the said Schir Walter; and in caise of non-fulfilling of the said band of matrymonie, in maner abone reheirsit, efter ony of the said Walteris sonis haif compleitit the age of fourtene zeiris, than and in that caise the said Schir Andro and Walter bindis and oblissis thame, thair airis, executouris, and assignayis, to refound, content, and pay to the said Schir Walter, his airis, executouris, and assignayis, the sowme of ane thowsand merkis vsuale money of this realme; and attour, the said Schir Andro, be thir presentis, bindis and oblissis hym and his airis, fourtie dayis befoir the solempnatioune of the said mariage, to heretabille infeft, be resignatioun or confirmatioun, as best sall pleis the said Schir Walter and his freindis, the saidis and Elizabeth, and failzeing thame tway, the vthairis abonementionat that salhappin to compleit the said band and succeid to the said Schir Androis heretage abonewrittin, in all and haill the said Schir Androis tuentie pund land of auld extent of Hirsell, with the pertinentis, lyand within the schirefdome of Beruik, in coniunct-fie, and to the langer levar of thame twa, and to the airis lauchfullie to be gottin betuix thame twa, quhilk failzeing, to the said Walter Ker of Dolphingstouneis airis quhatsumeuer: —For the quhilkis caussis abonewrittin the said Schir Walter Scott of Branxholme, knycht, for himselff, and takand the burding vpone him for Walter Cheshome of that Ilk, and the remanent of thair kyn, freindis, allia, assistaris, and partakeris, sall forgif, lyke as thay be thir presentis presentlie forgevis, the said Schir Andro, James, and thair foirsaidis all haitrent, malice, and rancour of mynde that thay haif had, hes or ony wise may haif to the saidis personis or ony ane of thame, for the saidis slauchteris or ony vthairis questionis, querellis, or debaittis that is or hes bene betuix ony of the saidis

personis pairteis preceiding the day and dait heirof, lyke as the said Schir Andro and his foirsaidis dois the samin to the said Schir Walter and his foirsaidis; and sielyke, the said Schir Walter sall tak ane trew, afawld, and plane pairt with the said Schir Andro and his foirsaidis in all and syndrie thair honest and lefull actionis, questionis, querrellis, and debaittis quhatsumeuer aganis all deidlie, the auctorite being allanerlie exceptit :— To the quhilkis premissis and euery poynt thairof ather of the saidis pairteis bindis and oblissis thame lelilie, faythfullie, and treiwle to vtheris be tuyching of the avangelis; and for the mair suir obseruing, keiping, and fulfilling of the premissis and euery poynt thairof bayth the saidis pairteis bindis and oblissis thame to vthairis, and ar content and consentis that this present contract be actit and registrat in the bukis of our Soueranis Counsale, and decernit to haif the strenth of ane decreit of the Lordis thairof, and thair auctorite to be interponit thairtill, with executoriallis of hoirnyng or poynding to pas tharvpone at the will and plesour of bayth the saidis pairteis, for compelling of thame and ather of thame to fulfill to vthairis; and for acting and registring heirof, makis, constitutis, and ordanis honorable men and thair weilbelouitt, Maisteris Dauid Borthuik, Thomas Watsoune, and ilkane of thame, coniunctlie and seueralie, thair procuratouris, to compeir befoir the saidis Lordis quhatsumeuer day or dayis, and thair to consent to the acting and registring heirof, with executoriallis to pas thairvpone, in maner abonereheirsit. In witnes of the quhilkis, the saidis Schir Walter Scott of Branxholme, knycht, Walter Cheshome of that Ilk, and takand the burding vpone thame for thair foirsaidis, hes subscriuit thir presentis with thair handis; and in lykewise the said Schir Andro Ker of Hirsell, knycht, Walter Ker of Dolphingtoune his son and appeirand air, James Ker of Corbett, and Walter Hog, for thame selffis, and takand the burding vpone thaim for thair foirsaidis, hes subscriuit the samin with thair handis in maner following, day, zeir, and place foirsaidis, befoir thir witnessis, Maister Thomas Westoune, aduocatt, Maister Johne Watsone, minister of Melrose, Schir Johne Bryden, notar publict, Schir Williame Anislie, vicar of Maxtoune, George Ruthirfurde of Pharnyngtoune, and Maister George Dowglas, notar publict, with vthairis dyuerse. *Sic subscribitur* :—

WALTER SCOTT of Branxholme, knycht.
ANDRO KER of Lytilden.
WALTER CHESHOLME of that Ilk.
WALTER KER of Dolphingtoune.
ANDRO MURRAY of Blakbarony.
JAMES KER of Corberthouse.
MAISTER JOHNE SPENS, curatour foirsaid.
WALTER HOG.

402. INVENTORY and TESTAMENT of WALTER SCOTT of Branxholm, knight. Testament dated Hawick, 11th April 1574.[1]

THE testament, testamentar, and inventar of the gudis, geir, soumes of money, and dettis pertening to vmquhile Walter Scot of Branxholme, knycht, the tyme of his deceis, quha deceist in the moneth of Aprile, the zeir of God j^{m}v^{c}lxxiiij zeiris, ffaithfullie maid and gevin vp be his awne mouth vpoun the ellevint day of Aprile, the zeir of God foirsaid, befoir thir witnessis, Doctor Prestoun, Adam Diksoun, ypothecar, Johne Carmichaell of that Ilk, Walter Scot of Gordelandis, Walter Scot of Tuschelaw, and Johne Watsoun, with vtheris diuerse.

In the first, the said vmquhile Walter had the gudis, geir, soumes of money, and dettis, of the avale and prices efter following, pertening to him the tyme of his deceis, viz. : upoun the ground and landis of Bellandene, in pasturing with George Nicoll, nyne new calfit ky, with thair followaris, price of the pece ourheid, five pundis ; summa, xlv lib. Item, twa ky with calf, price of the pece, foure pund x s. ; summa, ix li. Item, foure forow ky, price of the pece, foure li. ; summa, xvj £. Item, thrie zeild ky, price of the pece, foure pundis ; summa, xij £. Item, nyne stottis and queyis of tua zeir auldis, price of the pece ourheid, xl s. ; summa, xviij £. Item mair, in pasturing with the said George, tua forow ky, with tua stirkis and ane bull ; price of the tua forow ky and stirkis, tuelf pundis, and price of the bull, five pund ; summa, xvij £. Item, vpoun the grund and landis of Bukcleuch, in pasturing with Symon Nicoll, sex tua zeir auld stottis, price of the pece, xl s. ; summa, xij £. Item, in pasturing with James Scott in Newwark, ane bull, price thairof, five £. Item, vpoun the landis of Catslak, in pasturing with Rolland Wilsoun, tua ky with thair calfis, price of the pece, five pund ; summa, x £. Item, five ky with calf, price of the pece ourheid, foure £ x s. ; summa, xxij £ x s. Item, thrie forow ky, price of the pece, foure £ x s. ; summa, xiij £ x s. Item, ane zeild kow, price thairof, foure £ x s. Item, foure queyis, price of the pece ourheid, l s. ; summa, x £. Item, tua stottis, price of the pece, xl s. ; summa, iiij £. Item, vpoun the grund and landis of Blakgrane, in pasturing with James Scheill, foure new calfit ky, price of the pece, iiij £ x s. ; summa, xviij £. Item, thrie stottis and ane quy, price of the pece, xl s. ; summa, viij £. Item, tua forrow ky, price of the pece, iiij £ x s. ; summa, ix £. Item, ane zeild kow, price thairof, iiij £ x s. Item, tua zeir auld stirkis, price of thame baith, foure £. Item, thrie tua zeir auld quyis, price of the pece,

[1] Register of Testaments, Edinburgh Commissariot, vol. iii. 18th November 1574.

xl s. ; summa, vj £. Item, ane bull, price thairof, five pund. Item mair, in pasturing with James Scot in New Wark, ane forrow kow, price thairof, iiij £ x s. Item, ane zeir auld stot, price thairof, xx s. Item, tua stottis of tua zeir auldis, price of the pece, xl s. ; summa, iiij £. Item, in pasturing with Johne Martene in B[r]a[n]xholme toun, ten zoung queyes, price of the pece ourheid, thrie £ ; summa, xxx £. Item, aucht oxin, price of the pece, six £ ; summa, xlviij £. Item, thrie ane zeir auld stottis, price of the pece, xx s. ; summa, thrie pundis. Item, in pasturing in the Barne Know, sevintene drawand oxin, price of the pece, aucht pund ; summa, j^c^xxxvj £. Item, vpoun the Manis of Quhytlaw, nyne drawand oxin, price of the pece, aucht pundis ; summa, lxxij £. Item, vpoun the landis of Bellenden, in pasturage with George Nicoll, auchtene scoir and sextene outcumint hoggis, price of the scoir, xj £ ; summa, j^c^lxxxxv £ xvj s. (*sic*). Item, pasturing vpoun the landis of Bukcleuch with Symon Nicoll, auchtene scoir and sevin outcumint hoggis, price of the scoir, xj £ ; summa, ij^c^ij £ xvij s. (*sic*). Item, in pasturing with William Nicoll in Bukcleuch, auchtene scoir and fyftene outcumint hoggis, price of the scoir, ten pundis ; summa, j^c^lxxxvij £ x s. Item, vpoun the landis of Blakgrane, in pasturing with James Scheill, tuentie foure scoir mylk zowis, with thair lambes, price of the scoir ourheid, xxj £ ; summa, v^c^ and foure £. Item, five scoir and ten kebbis, price of the scoir ourheid, xvj £ ; summa, lxxxviij £. Item, tuentie scoir tua dynmonthis and tupes, price of the scoir ourheid, xiiij £ ; summa, ij^c^lxxxj £ viij s. Item, fyftene scoir and tua outcumit hoggis, price of the scoir, xj £ ; summa, j^c^lxvj £ ij s. Item, vpoun the landis of Catslak, in pasturing with Rolland Wilsoun, tuentie foure scoir zowis, with thair lambes at thair feit, price of the scoir, xxj £ ; summa, v^c^iiij £. Item, xxxiij zeild zowis, price of the pece, xvj s. ; summa, xxvj £ viij s. Item, xxvj tupes, price of the pece, xvj s. ; summa, xx £ xvj s. Item mair, tua dynmont scheip, price of thame, xxij s. Item, vpoun the landis of Glenpoyt, in pasturing with James Brewhouse, fourtene scoir and xvij gymmeris, quharof thair is xl gymmeris hes lambes, price of the scoir with the lambes, xviij £, price of scoir without lambes, xv £ ; summa, ij^c^xxviij £ xv s. Item, ellevin scoir and ten outcumint hoggis, price of the scoir, xj £ ; summa, j^c^xxxij £. Item, in pasturing in New Wark, five tupes, price of the pece, xv s. ; summa, iij £ xv s. Item, the said vmquhile Walter had, the tyme of his deceis, in his girnales of Hassindane, the haill teindis of Hassindane and Kavers, collectit be James Scott, and of the crope and zeir of God lxxiij zeiris, extending to five scoir and fiftene bollis hepit mele, price of the boll, thrie £ ; summa, iij^c^xlv £. Item, five scoir and thrie bollis beir, price of the boll, 1 s. ; summa, ij^c^lvij £ x s. Item mair, in his girnale of Hawik, collectit be Johne Watsoun, of the crope and zeir of God foirsaid,

fiftie-thrie bollis and five pekkis mele, and xxvj bollis and ellevin pekkis malt, price of the boll mele and malt ourheid, thrie £ ; summa, ij^{c}xl £. Item, sawin vpoun the Manis of Branxholme, fiftie aucht bollis aittis, estimat to the thrid corne, extending to aucht scoir and fourtene bollis aittis, price of the boll with the fodder, xxx s. ; summa, ij^{c}lxj £. Item mair, sawin vpoun the saidis Manis, xxj bollis beir, estimat to the ferd corne, extending to foure scoir and foure bollis beir, price of the boll with the fodder, l s. ; summa, ij^{c}x £. Item, sawin vpoun the Manis of Quhytlaw, xxviij bollis aittis, estimat to the thrid corne, extending to lxxxiiij bollis aittis, price of the boll with the fodder, xxx s. ; summa, j^{c}xxvj £. Item, sawin vpoun the Kirkland of Hawik, threttene bollis aittis, estimat to the thrid corne, extending to xxxix bollis aittis, price of the boll with the fodder, xxx s. ; summa, lviij £ x s. Item mair, sawin vpoun the said Kirkland, foure bollis peis, estimat to the fourt corne, extending to sextene bollis peis, price of the boll with the fodder, l s. ; summa, xl £. Item, in vtencilis and domicilis by the airschip, estimat to the soume of ane hundreth pundis.

Summa of the inventar, ... iiij^{m}vij^{c}xlij £ xix s.

Followis the dettis awing to the deid.

Imprimis, thair wes awand to the said vmquhile Walter, be Williame Douglas of Cavers, for the rest of ane thousand merkis, foure hundreth and threttie thrie pundis, vj s. viij d., for payment of the quhilk Gilbert Ker of Prymsydloch, Andro Ker his sone and apperand air, and vmquhile Williame Ker of Zair, wer actit as souirteis for the said vmquhile Walter in the bukis of our Souerane Lordis Counsale. Item, be Cristiane Douglas, Lady Trowis, xj bollis victale, half beir, half malt, as for the compositioun of hir teindis of Trowis, liand within the parrochin of Cauers, intromettit with be hir for certane zeiris preceding the said vmquhile Walteris deceis, price of the boll ourheid, foure pund ; summa, xliiij £. Item, be Williame Fawsyd for the rest of the fermes and teindis of the baronie of Ekfurde, of the crop and zeir of God lxxij zeiris, fourtene bollis vittale, half mele, half beir, price of the boll ourheid, l s. ; summa, xxxv £. Item mair, be the said Williame for the ferme and teindis of the said baronie of Ekfurde, of the croppe and zeir of God lxxiij zeiris, tuelf bollis vittale, half mele, half beir, price of the boll ourheid, foure £ ; summa, xlviij £. Item, resting awand be William Quhite, of the prices of the vittalles sauld to him in the heid of the parochin of Hawik, and of the crop and zeir of God lxxj zeiris, fourtie pundis. Item mair, be the said Williame of the fermes and teindis of the said zeiris crop intromittit with be him, fiftie bollis vittale, half mele, half malt, price of the boll ourheid, lij s. ; summa, i^{c}xxx £. Item, be Thomas Zoung, officiar of Lempetlaw, for the Witsounday and

Mertymes male of the landis of Lempetlaw, and of the crop and zeir of God lxxiij zeiris, xxxvj £. Item, be the said Williame Fausyd, for the males of the landis and baronie of Ekfurde, of the crop and zeir of God foirsaid, fourtie pundis. Item, the said vmquhile Walter had gude actioun contrar Williame Douglas of Cruik, Gawine Ellot of Hosliehill, and Robert Ellot, called Zoung Robene, for the wrangus spoliatioun and awaytaking of thair teindis of the landis of Cruik, Skelfhill, Peilbra, and Penangushope, intromettit with be thame for certane zeiris preceding the said vmquhile Walteris deceis, extending to the soume of thrie hundreth and threttie thrie pund, sex schillingis aucht pennies.

Summa of the dettis awing to the deid, . . $j^{m}j^{c}$xxxix £ xiij s. iiij d.
Summa of the inventar with the dettis, . . v^{m}viij^{c}lxxxij £ xij s. iiij d.

Followis the dettis awing be the deid.

Item, thair wes awing be the said vmquhile Walter to Gedioun Murray his halfbruther, for the males of the landis of Glenpoyt, of the crop and zeir of God lxxiij zeiris, xxiiij £. Item, to Schir James Castellaw, preceptor to the sex barnes foundin within our Soverane Lordis Chapell Royall of Striueling, as for the saidis barnes pairt of Sanct Marie Kirk of Lowis, for certane zeiris preceding the xx day of Februar, anno lxxiij, foure scoir threttene pundis, vj s. viij d. Item, to the executouris of vmquhile Maister Johne Rutherfurde, by and attoure the five hundreth merkis quhilk the landis of Langtoun lyis on, tua hundreth fourtie sex pundis, xviij s. iiij d. Item, to Maister Thomas Westoun, aduocat, as his perticular compt beris, subscriuit be the said vmquhile Walter and Dame Mergaret Douglas his spous, aucht hundreth and fourtie foure pund, x d. Item, to Williame Moresoun, tailzeour, for clathis makking, as his compt beris, xxxv £ iij s. Item, to Thomas Scott, tailzeour in Edinburcht, as his compt beris, xlj £ xv s. iiij d. Item, to Jonet Studeman in Hawik, for furnesing of the place, as the said vmquhile Walteris hand writ beris, ane hundreth tuentie tua pundis, ij s. viij d. Item, to Luk Wilsoun for merchandice, foure hundreth fourtie nyne pundis, xviij d. Item, to Adame Lidderdale, flescheour in Hawik, for flesche to the place, tuentie pundis. Item, to Hectour Wright, smyth in Hawik, for schone to the Lairdis horse, sex £ xvij s. vj d. Item, to Johne Hart, cuke in Edinburcht, for his fie, tuelf pund, xij s. Item, to James Hoppringill for his fie, tuentie pundis. Item, to the Laird of Johnestoun for the rest of his tocher gud, ane thousand and foure hundreth merkis. Item, to the Laird of Phairnyhirst for the rest of his tochergude, ane thousand pundis. Item, to Maister Williame Lauder, conform to the Lairdis obligatioun, tuentie pundis. Item, to the thrie personis

of the Forrest kirk, for thair Beltane terme last bipast, thrie scoir and sex pundis, xiij s. iiij d. Item, to Johne Scott of Dringgestoun, xxxv £, quhilk wes consignit in Johne Watsonis handis be Robert Scott of Over Hassindane, for the redemptioun of ane pece land of the said Robertis fra the said Johne, and tane furth of the said Johne Watsonis handis be the said vmquhile Schir Walter, and gevin to his masones. Item, to Schir Johne Stevinsoun, vicar pensioner of the Forrest kirk, for his pensioun of certane zeris preceding the said vmquhile Walteris deceis, conforme to his hand-writ and ane decreit of the commissaris of Edinburcht, gevin aganis James Murrois vpoun the said vmquhile Walteris precept, lxxx merkis. Item, awand to Williame Purves, ypothecar, threttene pundis, xj s. Item, to John Richartsoun, saidlar, tuentie thrie pundis, xx d. quhairof he hes ressauit fra the said Laird at Mertymes last bipast, tua ky, price of thame baith, xj £, sua restis *de claro* awand to him, tuelf pund, xx d. Item, to gled Wattie Scot in Hawik, xviij £. Item, to Hobbe Diksoun, cordiner, for buittis and schone, sevintene pundis. Item, to Wattie Waucht for buttir, saip, and vthir necessaris furneist be him, xxxij £. Item, to Robert Scottis wyf in Hawik for sum ordinar dwtie, sex pundis. Item, to Thome Scot, callit Jok Thome, sevin £ x s. Item, to Helene Wigholme for foulis furneist be hir, foure £ xvij s. Item, to the porter of Ewisdyer for the rest of the price of ane horse, xij £ x s. Item, to Johne Hendersoun, foular, for wyld foulis, as his compt beris, viij £. Item, to Geordge Maxwell in Hawik, merchand, for merchandice and furneising of the Lairdis seruandis at his command, xxviij £ vij s. Item, to James Clerk in Hawik, xiiij £ v s. Item, to Walter Gledstanes for his fie, xiij £ vj s. viij d. Item, to Walter Hassindan for his fie, xiij £ vj s. viij d. Item, to Wattie Bouden, eldar, xiij £ vj s. viij d. Item, to Wattie Bouden, zoungar, xiij £ vj s. viij d. Item, to Walter Scott of Hassendane, xiij £ vj s. viij d. Item, to Johne Gundas, xiij £ vj s. viij d. Item, to Hobbe Zoung, xiij £ vi s. viij d. Item, to Mungo Burne, xiij £ vj s. viij d. Item, to Dauid Pringle, xiij £ vj s. viij d. Item, to Thomas Brumrig, cuke, aucht pund. Item, to Williame Archibaldis, brouster, sex £ xiij s. iiij d. Item, to James Linlithgow, greif, xiij £ vj s. viij d. Item, to Adam Achesoun, porter, aucht pundis. Item, to the gardener, sex £ xiij s. iiij d. Item, to the gudman that is the malt-maker and his man, tuentie pundis. Item, to the tasker in the barn know, thrie £. Item, to the watcheman thair, xl s. Item, to sex wemen for ane zeris fie, euery ane xlviij s. ; summa, xiiij £ viij s. Item, to Adam Greif, serwand in the brewhouse, xl s. Item, to Willie Heltoun, stewart, sex £ xiij s. iiij d. Item, to Archibald Boyis, foure £. Item, to Willie Scott in Selkirk, for certane stamyn and furneising of the teindis leding, fourtie pundis. Item, to Thomas Hendrie in Selkirk, for claith furneist to Margaret of the Wallis, tuentie pundis. Item, to Allane Dennes in Hawik,

foure pundis. Item, to Jonet Fokkert, relict of vmquhile Williame Foular, burges of Edinburcht, ten pundis.

Summa of the dettis awing be the deid, . . .	iiij^{m}iiij^{c}lxxxvij £ iiij d.
Restis of frie geir the dettis deducit, . . .	j^{m}iij^{c}lxxxxv £ xij s.
To be deuidit in thrie pairtis the deidis pairt is, .	iiij^{c}lxv £ iiij s.
Quharof the quot is, ...	xxiij £ v s.

Followis the Legacie and Latterwill.

At Hawik, the ellivent day of Aprile, the zeir of God j^{m}v^{c} and thrie scoir and fourtene zeris, the quhilk day Walter Scott of Branxholme, knycht, seik in bodie and haill in spirit, as apperit, maid, constitut, and ordinit James Erle of Mortoun, Regent to our Soverane, his realme and liegis, etc., reular, tutour, governour, and gidar to his barnes and wife, and failzeing him, Archibald Erle of Angus, and vnder thame, Johne Johnestoun of that Ilk, and Johne Cranstoun of that Ilk; and als maid, constitut, and ordinit Margaret Douglas his spous, and his barne Margaret Scott, his executouris testamentaris. Item, he levis to Johne Watsoun fourtie bollis beir. Item, to Willie Hutoun, threttie or fourtie pundis, as it sall pleis to his said spous and vther freindis, and he to serve his wyf befoir ony vtheris. Item, he levis to Johne Gledstanes, Quhytlaw. Item, he levis to Willie of Allanehauch, the Kirkland, his awne rowme. Item, as to litill Wattie of Bouden, he levis that to be done to him at the sicht of freindis; and heirupoun askit instrument of me, notar publict, befoir thir witnessis: Doctour Prestoun, Adam Diksoun, ipothecar, John Carmichaell of that Ilk, Walter Scot of Gordlandis, Walter Scott of Tuschelaw, and Johne Watsoun, with vtheris diuers. *Sic subscribitur:* Ita est, Thomas Westoun, notarius publicus, teste manu propria.

We, Maisteris Robert Maitland, Dene of Abirdene, Eduard Henrisoun, Doctour in the Lawis, Clement Litill, and Alexander Sym, Aduocattis Commissaris of Edinburcht specialie constitut for confirmatioun of testamentis, be the tenour heirof ratifeis, apprevis, and confirmis this present testament or inventar, in sa far as the samin is deulie and lauchfullie maid, of the gudis and geir abone specifiit alanerlie, and gevis and committis the intromissioun with the samin to the said Margaret Douglas, relict of the said vmquhile Walter Scott of Branxholme, knycht, and Margaret Scott his barne, and executouris testamentaris to him, reseruand compt to be maid be thame of the gudis and geir abonewrittin, as accordis of the law; and the said Margaret Douglas, ane of the saidis executouris, being suorne, hes maid fayth treulie to exerce the said office, and hes fundin cautioun that the gudis and geir foirsaidis salbe furthcumand to all pairteis havand interes as law will, as ane act maid thairvpoun beris.

403. (A.) Inscription on a flat stone formerly over the grave of Walter Scott of Goldielands, in St. Mary's Church, Hawick. The stone is now in Hawick Museum. *Post* November 1596.

Valter . Scot . his . Genealogie .
Heir . lyis . in . this . sepvltvre . Va
Valter . Scot . of . Govdilandis
sone . natvral . to . Sir . Valter . Sco
t . the . valiant . Laird . of . Vvckleb
ch . yat . vas . slane . crevelie . be . ye
Herris . in . Edinburgh . vithin . ye
nicht . being . vnaccvmpaneit . vith
his . freindis . or . servandis : on
lie . except . tva . of . his . dependeris .
attending . on . him : not . respect
ing . nor . svspecting . thair . in
tentiovne : This . happinit . in .
September . the . 53 . zeir . of
his . age . ye . zeir . of . God . 1552
This . foresaid . Valter . Scot
depairtit . this . life . in . Govdilan
dis . in . November . ye . zeir . of . God
1596 . & . vas . of . age . at . his . deth .
64 .

(B.) Inscription on a mural tablet formerly in St. Mary's Church, Hawick, now in Hawick Museum, commemorating the "qualities" of Walter Scott of Goldielands.

The . Discriptiovne . of . Valter .
Scot . of . Govdilandis
His . Qvalities .
Heir . lyis . bvrit . visdome . & . virthines
Heir . lyis . bvreit . trevth . & . honestie
Heir . lyis . bvreit . fridome . & . gentres
Heir . lyis . bvreit . manheid . & . cheritie
Heir . lyis . bvreit . lairgenes . & . lavtie
Heir . lyis . bvreit . hap . and . exprience
Heir . lyis . bvreit . pietie . & . diligence
Glorie . be . to . God . for . althings .

I Ladie Elizabeth Scott heirby grants that I have recaved from Patricke Scott writer in Edr, in name and by the direction of are nolle Erle francis Erle of Buccleuche my brother, the sume of 3 thousand markes Scotts money which it hes pleasde his Lr to bestow upon me for furnishing of my abulziments and other nesisities for my mariage with the Lord Gresion and therfor I heirby exonere and discharge my said brother and his curatores and the said Patricke Scott and all others whom it effieres for the foresaid 3 thousand markes for the cause foresaid for now and ever, be these presents written and subscrived with my hand at stirline Castle the fowrth of agust 1641 year

Elizabeth Scott

404. Receipt by Lady Elizabeth Scott for gift of 3000 merks from her brother, Francis Earl of Buccleuch, on her marriage to Lord Erskine. 4th August 1641.

I, Ladie Elizabeth Scott, heirby grants that I haue recaued from Patricke Scott. writer in Edbr., in name and by the derectione of ane noble Earle, Francis Earle of Buccleuche, my brother, the sume of 3 thousand markes Scotts money, which it hes pleasde his Lordship to bestow upon me for furnishing of my abuliments and other nesisaries for my mariage with the Lord Ereskin, and therfor I heirby exonore and discharge my said brother and his curatores, and the said Patricke Scott and all others whom it effieres, for the foresaid 3 thousand markes for the cause foresaid, for now and euer, be these presents, writen and subscriued with my hand at Stirline Castle, the fourth of Agust 1641 year.

Elizabeth Scott.

405. Contract of Marriage between James Duke of Monmouth and Anna Countess of Buccleuch. 15th and 20th April 1663.

Charles R.

Att Whythall and Edinburgh, the fifteinth and twentieth dayes of Aprill, one thowsand six hundred sixtie and thrie yeires, it is appoynted, agried, and matrimoniallie contracted betwixt the pairties following, to witt, the King's most excellent Majestie, taking burding vpoun him ffor James Duik of Monmouth, Erle of Doncaster, Lord Tindall, his Majestie's naturall sone, and the said James Duik of Monmouth, with advyse and consent of his Majestie, one the one pairt ; and the Right Honorable Anna Countesse of Buccleuch, with advyse and consent of Johne Erle of Rothes, president of his Majestie's privie councill of Scotland, Hugh Erle of Eglintone, George Erle of Winton, David Erle of Weymes, Alexander Erle of Levin, Alexander Lord Montgomerie, George Lord Melvill, Sir Williame Scott of Harden, Sir Gilbert Eliot of Stobs, Thomas Scott of Whitslead, Mr. Thomas Rosse, Mr. Laurence Scott of Baveley, and Robert Scott of Harwood, her curators, for thair interest, and also with consent of the Richt Honorable Margaret now Countesse of Weymes, her mother, for her interest, one the vther pairt : in maner, forme, and effect as efter followes :—That is to say, the said James Duik of Monmouth and Anna Countesse of Buccleuch do faithfullie promitt, with advyse and consent foir-said, to solemnizat and compleat the holly band of matrimonie with all conveniencie :

—In contemplatioun of which matrimonie his Majestie doth bind and oblidge him and his aires to imploy and bestow all and haill the soume of ffourtie thowsand poundis sterling, laufull money of England, vpoun the heritable and irredeimable purchase of sufficient landis within the kingdome of Scotland in favours of the said James Duik of Monmouth, his Majestie's said naturall sone, and the hieris maill to be gotten betwixt him and the said Anna Countesse of Buccleuch; which faileing, the heiris male to be gotten of the said James Duik of Monmouth his bodie; which faileing, to the eldest heir female, but division, to be gotten betwixt the saidis James Duik of Monmouth and Anna Countes of Buccleuch; which failzieing, to the heiris whatsomever of the said James Duik of Monmouth his bodie; which faileing, to returne to his Majestie and his Highnes' heirs and assignes: and it is heirby expresslie provydit that the rights and securities to be past vpoun the foirsaid purchase shall bear this express provisioun and conditioun, that faileing heiris of the foirsaid mariage, and in caice it shall happin the said noble Countesse to be the survivor, in that caice the said noble Countesse shall, during her lyftyme, have right to injoy and posses the lands and estate to be purchased in maner foirsaid, or the interest of the soume of money abovewrittin, in caice the foirsaid purchase shall not be maid in the meantyme: —And one the vther pairt, ffor the causis abovewrittin and in contemplatioun of the said mariage, the said Anna Countesse of Buccleuch, with advyse of her saidis curatoris, doth bind and oblidge herselff, her heirs and successoris whatsumever, vpoun the provisiounis and reservationes vnderwrittin, to mak dew and laufull resignatioun in the handis of his Majestie and all vtheris her laufull superioris, off the landis and vtheris vnderwrittin, and of her title, honour, and dignitie of Erle and Countesse of Buccleuch, and of the erledome and lordschip of Balcleuch, and all and quhatsumever lordships, landis, barronies, mylnes, woods, fischingis, teyndis, personage and vicarage, patronages, castellis, touris, fortalices, manor-places, pendicles, and pertinentis, and in generall all and quhatsumever landis and heretages any wayes perteining, or that may be knowen to pertein to the said Anna Countesse of Buccleuch for herselff, or as heir or appeirand heir to any of her predicessoris whatsomever, and especiallie but prejudice of the generalitie foirsaid, off all and sundrie the landis, lordschipis, barronies, and vtheris particularlie eftermentionat: to witt, all and haill the landis and barronie of Branxholm, Eckfoord, Buccleuch, Langtoune, Quhitchester, Limpetlaw, Rankilburne, Eilrig, and Kirkvrd, with all thair pertinentis, off old anexit, vnit, and incorporat in ane haill and frie barronie callit the Barronie of Branxholme; and als all and sundrie the landis and steading of Falsyd with the pertinentis thairof; the landis and steading of Hathernie with the pertinentis thairof; the landis and steading of Dolorean, Wairdilshoipe, Aldingshope, and Eldinghope with thair pertinentis; all and sundrie the

landis of Girnwood and Lyne with thair pertinentis; all and haill the sax husband landis in Greameslaw callit Porterlandis with thair pertinentis: all lying within the schirrefdomes of Roxburgh, Selkirk, and Peibles respective: and all and haill the toure and fortalice callit Hassendein Tour *alias* Monckis Tour, with the barne, yairdis, girnallis, meidowis, croftis, housis, and bigingis thairof, and thair pertinentis; and als all and sundrie the landis and steadingis of Ringwoodfeild, Caldcleuch, Northhous, Thirlestane, Braidhauch, Crowishoipe, Stobit-coat-burgh, Suddinrig, Coatburne, West-cotrig, Bowanhill, Preisthauch, and Pannangoishope, with all and sundrie thair pairtis, pendicles, and pertinentis, lying within the lordschip of Melros and schirrefdome of Roxburgh abovewrittin: and sicklyk all and sundrie the landis, forrestis, roumes, and steidingis efterspecifiet, viz., the landis, roume, and steading of Catislack, with the toure and fortalice thairof, the landis, roumes, and steadingis of Easter and Wester Montbengeris, vnit, anexit, creat, and incorporat in ane haill and frie tennendrie callit the Tennendrie of Catislack, with the pairtis and pendicles thairof callit Shuttinglies, and with all thair pairtis, pendicles, and pertinentis of all and sundrie the samyn landis, roumes, and steidingis of Catislack and Eister and Wester Montbengeris and all thair pertinentis, lyand within the lordship of Ettrick Forrest and schirrefdome of Selkirk abovewrittin: and lykwayes all and sundrie the landis and steadingis of Fastheuch, Huntlies, Carterhauch, Auldwark *alias* Cartermach, Whitliebrae *alias* Cathmurlie, now called Newwark, with the mylne of Newwark, lyand within the foirsaid schirrefdome of Selkirk: with all and sundrie castellis, touris, fortalices, manor-places, housis, bigingis, outsettis, yairdis, orchyardis, dowcattis, toftis, croftis, woodis, mylnes, loches, fischingis, alsweill of salmond as of vther fisches, tennentis, tennendries, service of frie tennentis, annexis, connexis, pairtis, pendicles, proffeittis, commodities, casualities, and pertinentis quhatsumever of all and sundrie the foirsaidis landis, tenementis, lordschipis, barronies, roumes, steadingis, and vtheris particularlie abovewrittin, with the pertinentis, which, with certaine vtheris exprest in the infeftment imediatlie efterspecifiet, ar vnit, creat, and incorporat in ane haill and frie barronie callit the BARRONIE OF BRANXHOLME, be vertew and conforme to the infeftment grantit be the deceist King James the Saxt of eternall memorie vnder his Majestie's great seill to the deceist Walter Lord Scott of Buccleuch, thairin designed Sir Walter Scott of Branxholme, knicht, his heiris maill and assignes thairinmentionat, thairvpoun, of the dait the saxtein day of August j^m^v^c^ ffourscoir and nyntein yeiris, be the which infeftment it is ordained that ane seassing to be taken be the said deceist Walter Lord Scott of Buccleuch, his airis maill and assignes abovewrittin, at the castell, toure, fortalice, and manor-place of Branxholme as the principall messuage of the foirsaid baronie, sould stand and be ane sufficient

seassing for all and sundrie the landis, tenementis, lordschipis, barronies, steadingis, and vtheris particularlie aboverehearsed, with all thair pairtis, pendicles, and pertinentis, notwithstanding the samyn ly not contigue and together, wheranent the said deceist King James of eternall memorie for him and his successoris, be vertew of the foirsaid infeftment dispenssit for ever :—AND IN LYK MANER all and haill the tenement of Blackgraynes, comprehending all and sundrie the roumes, landis, and steadingis of Blackgraynes, Waltounegrein, Waltoneburne, Overhall, Frostlie, Lenhope, and Fahope, with all and sundrie touris, castellis, fortalices, manor-places, housis, biging[is], outsettis, yairdis, orchardis, dowcattis, toftis, croftis, fischingis, alsweill of salmond as vther fisches, tennentis, tennendries, service of frie tennentis, annexis, connexis, pairtis, pendicles, and pertinentis thairof whatsumever, togidder with the advocatioun, donatioun, and right of patronage of the personage and vicarage of the paroch kirk of Waltoune, lying within the schirrefdomes of Selkirk and Roxburgh respective above specifiet: togidder also with the advocation, donatioun, and right of patronage of the personages and vicarages of the paroch kirkis of Eddilton and Cassiltoune with the pertinentis, lyand within the foirsaid schirrefdome of Roxburgh; which roumes, landis, steadingis, and vtheris abovewrittin, ar vnit, anexit, and incorporat in ane haill and frie tenement callit the TENEMENT OF BLACKGRAYNE, be vertew and conforme to the tennor of the infeftment granted to the said deceist Walter Lord Scott of Buccleuch, his airis maill and assignes, thairvpoun be the said deceist King James the Saxt of eternall memorie vnder his Majestie's great seall, daitit the twentie twa day of March j^m^vi^c and ffour zeiris; be the which infeftment it is ordained that ane seassing to be taken be the said deceist Walter Lord Scott of Buccleuch, his airis maill and assignayes abovewrittin, at the manor-place of the said toune, landis, and steading of Blackgrayne, lyand within the foirsaid schirrefdome of Selkirk, as the principall messuage of the said tenement, shall stand and be sufficient seassing for all and sundrie the foirsaidis landis, roumes, and steadingis of Blackgrayne, Waltongrein, Waltonburne, Overhall, Frosterlie, Lenhope, and Fahope, togidder with all the foirsaidis advocatiounis and right of patronages abovespecifiet of the personages and vicarages aboverehearssed, of the saidis paroch kirkis of Waltone, Eddiltoune, and Cassiltone, and thair pertinentis, notwithstanding of the discontiguitie thairof and that the samyn lyes in seuerall schirrefdomes, wheranent the said deceist King James the Saxt of eternall memorie, for him and his successoris, be vertew of the foirsaid infeftment dispenssit for ever :—AS ALSO OF ALL and haill the landis, tounes, fforest, roumes, and steidingis of Farniehope and Dryhope, with housis, bigingis, yairdis, woodis, fischingis, annexis, connexis, pairtis, pendicles, and pertinentis thairof, lying in the warde of Zara in the Forest, lordschip of Ettrick and schirrefdome of

Selkirk foirsaid: and als all and haill the landis of Easter Hassindean with the toure, fortalice, and mylne thairof, and thair pertinentis; all and haill the twentie schilling land [of] Dedrig with the pertinentis; all and haill the landis of Easter and Wester Copetrig with the pertinentis; all lyand within the foirsaid barronie of Hassendein and the foirsaid schirrefdome of Roxburgh: and sicklyk all and haill the landis and steidingis of Elviland and Kirstead with all and sundrie pairtis, pendicles, and pertinentis thairof, lyand within the said schirrefdome of Selkirk: and lykwayes all and haill the landis and barronie of Syntoune, comprehending all and sundrie the landis and vtheris particularlie and generallie vnderwrittin, to witt: all and haill the landis of Syntoune with the toure, fortalice, manor-place, housis, bigingis, yairdis, mylnes, mylnelandis, multoris, and sequellis thairof, pairtis, pendicles, and pertinentis of the samyn quhatsumever, lying within the paroch of Eskirk and the foirsaid schirrefdome of Selkirk: all and haill the landis of Baxtonelies, Cliffhope, and Nether Wheill, Kirk Wheilland, Ormiscleuch, Abotisyck, and Abotischawis, with the manor-places, housis, bigingis, yairdis, orchardis, mylnes, multoris, woodis, fischingis, annexis, connexis, pairtis, pendicles, and pertinentis thairof whatsumever, lyand within the lordschip of Liddisdaill, abacie of Jedburgh, and schirrefdome of Roxburgh, above specifiet: all and sundrie the teyndscheaves and vtheris teyndis, fruitis, rentis, proffeittis, proventis, emolumentis, and dewties, alsweill personage as vicarage, of the paroch kirk and parochin of Cassiltoune and pendicle thairof callit Eddiltoune, lyand within the foirsaid schirrefdome of Roxburgh, togidder with all vther landis, mylnes, woodis, fischingis, annelrentis, and vtheris quhatsumever, lyand within the foirsaid lordschip of Liddisdaill and schirrefdome of Roxburgh, which perteined of old to the abacie of Jedburgh or to the cell of Cannabie as pairtis of the spiritualitie or temporalitie thairof: and als all and haill the landis of Tynnes and teyndis thairof, with the toure, manor-place, housis, bigingis, yairdis, toftis, croftis, pairtis, pendicles, outsettis of the samyn, and all thair pertinentis, lyand within the foirsaid lordschip of Ettrick Forrest and schirreffdome of Selkirk: all and haill the landis, roumes, and fforest steiding of Ladhope, with housis, bigingis, yairdis, outsettis, woodis, fischingis, pairtis, pendicles, and pertinentis thairof whatsumever, lying within the lordschip of Ettrick Forrest, warde of Ettrick and schirrefdome of Selkirk abovementionat: all and haill the landis of Easter Craig, with mylnes, multoris, woodis, fischingis, annexis, connexis, tennentis, tennendries, service of frie tennentis thairof, pairtis, pendicles, and all thair pertinentis, lyand within the foirsaid schirrefdome of Roxburgh: all and haill the landis of Glengaber, with housis, bigingis, and pertinentis of the samyn, lyand within the parochin of St. Marie, lordschip of Ettrick Forrest, and the said schirrefdome of Selkirk: all and haill the grund wher the cloister,

housis, bigingis, and yairdis of Cannabie wer situate, and ar now demolisched; the toune and landis of Cannabie, with the pertinentis, the landis of Todicleuch and Lamcleuch, the west syd of the landis of Rowaneburne, the landis of Newtoune of Baitbank, the landis of Nettieholme, the landis of Archerlie, the land of Lochbirsheill, the landis of Woodhousleyes, the landis of Christiswell, the landis and maynes of Cannabie callit Bowholme, the landis of Holhous, the landis of Willbilieholme, the landis of Brocketleyes, the landis of Enthorne, the landis of Balmanoisknow, the landis of Torquin, and all vther landis, woodis, mylnes, fischingis alsweill of salmond as of any vtheris fisches which belonged of befoir to the priorie of Cannabie, alsweill not namit as namit, with fortalices, manor-places, housis, bigingis, yairdis, orchairdis, mylnes, woodis, fischingis, dowcattis, outsettis, pairtis, pendicles, annexis, connexis, tennentis, tennendries, service of frie tennentis, fewfermes, caynes, customes, casualities, and dewties quhatsumever of all and sundrie the landis and vtheris particularlie and generallie abovementionat, and all thair pertinentis, lyand within the schirrefdome of Drumfreis: all and sundrie the teyndscheaves and vtheris teyndis, fruitis, rentis, emolumentis and dewties, personage and vicarage of the kirk of Cannabie, lyand within the foirsaid schirrefdome of Drumfreis: all and sundrie the foirsaidis landis and barronie of Mortounewoodis, with fischingis, mylnes, multoris, tennentis, tennendries, service of frie tennentis thairof, advocatioun, donation, and right of patronage of the kirk and chaiplanries of all and sundrie the samyn landis and pertinentis, lyand within the stewartie of Annandaill and schirrefdome of Drumfreis aboverehearssed (excepting and reserveing alwayes a ffourtie-schilling land of the landis of Winterhopeheid, with the pertinentis allenerlie): and in lyk maner all and haill the landis and barronie of Tarrass, comprehending thairin all and sundrie the landis and vtheris particularlie vnderwrittin, viz., the landis of Tarrassfutt, Mombiehirst, Bruntscheilhill, Quhitliesyd, and Bankheid, the landis of Mureburne, Harlaw, and Harlawwood, with the pertinentis, the landis of Rowaneburne, Woodhead, Thorniequhatis, Wabynhillis, with the pertinentis, the landis of Barronsknowis, Woodhouslies, Halhous, Torquin, Broome, Sheilburne, Auchinriphok, with manor-places, housis, bigingis, yairdis, orchairdis, mylnes, multoris, woodis, fischingis, dowcattis, cuningharis, tennentis, tennendries, service of frie tennentis thairof, and all vther pairtis, pendicles, and pertinentis of the same quhatsumever, lying within the parochin of Cannabie: all and sundrie the landis of Glenzaird, Mortoune, and Barneglies, with the manor-places, housis, bigingis, yairdis, orchairdis, mylnes, multoris, woodis, fischingis, annexis, connexis, dependances, tennentis, tennendries, service of frie tennentis thairof, and thair pairtis, pendicles, and pertinentis, lying within the parochin of Mortoune, togidder with the advocatioun, donatioun, and right of patronage of the

paroch kirk of Mortoune, alsweill personage as vicarage of the same parochin, with all and sundrie alterages, chaplanries, and vther benefices quhatsumever, mortified, erected, or founded to or within the foirsaid kirk of Mortoune; which all and sundrie the foirsaidis landis and barronie of Tarrass with the pertinentis ar bounded and limited be the meithis and mairches as followis, viz., begining at the watter of Tarrass runing in Esk at the Bromeholme vp the water of Tarrass and vp the Porter burne, and fra that to the Teyndhill and doune the Mure burne to the watter of Liddell, and doune Liddell to the Rowane burne, and thortward Ingrishillis by the foot of Maylwood, and thairfra to the foot of Netherthornwhat burne runing in Esk by the heid of Knotteholme; the landis of Woodhousleyis and Mortounewoodis, boundit with the Scottis Dyk alsweill in Esk as Sark, and vp Sark to the mairch of Auchinbeddrig, and fra then vp Barneglies to the Righeidis, and fra thence doune Irwing burne to Esk, and doune Esk to the foot of Holehous by the mairches of Bowholme, all extending to ane ten pund land of old extent, and vnit, creat, and incorporat in ane haill and frie barronie callit the Barronie of Tarrass, lyand within the foirsaid schirrefdome of Drumfreis: and which landis particularlie and generallie abovewrittin ar vnit, creat, and incorporat in ane haill and frie barronie callit the BARRONIE OF SYNTOUNE, be vertew and conforme to ane chartour granted be the said deceist King James the Saxt of eternall memorie, vnder the great seill, to the deceist Walter Erle of Buccleuch, goodshir to the said Countes of Buccleuch, daitit the twentie day of March j^{m}vj twentie ane yeiris, be the which chartour the toure, fortalice, and manor-place of Syntoune is ordained to be the principall messuage of the foirsaid barronie, and that ane seassing to be taken be the said deceist Walter Erle of Buccleuch, his airis-maill and of tailzie, successoris and assignes, specifiet in the foirsaid chartour, at the said principall messuage of Syntoune, or vpoun any pairt of the grund of the landis thairof aboverehearssit, shall stand and be sufficient seassing for all and sundrie the landis and vtheris particularlie and generallie abovementionat, with all and sundrie thair pairtis, pendicles, and pertinentis abovespecifiet:—AND IN LYK MANER all and haill the tennendrie of Dumfadling, comprehending all and sundrie the landis and vtheris vnderwrittin, viz., all and haill the landis of Coilquhair *alias* Tomloquhair, all and haill the landis of Crurie, all and haill the landis of Zetbyre, all and haill the landis of Kirkfauld, all and haill the landis of Cristillshaw, all and haill the landis of Blackismylne, all and haill the landis of Powdono, all and haill the landis of Poormonk, all and haill the landis of Poclive, all and haill the landis of Glendarrick, all and haill the landis of Cashope, all and haill the landis of Fingland, all and haill the landis of Aberlosk, all and haill the landis of Midlaheid, all and haill the landis of Raeburne, all and haill the landis of Harwood, all and haill the landis of Midleburne, all and haill the

landis of Tuninghill, all and haill the landis of Johnestoune, all and haill the landis of Wattcarrick, all and haill the landis of Todshahill, all and haill the landis of Wattcarick-grange, all and haill the landis of Garwaldhous, all and haill the landis of Quicketheuch, all and haill the landis of Dumfadling, all and haill the landis of Cowaneburne, all and haill the landis callit the Kirklandis, with all and sundrie teynd scheaves of all and sundrie the foirsaidis landis, which teynd sheaves of all and sundrie the samyn landis with the pertinentis wer never separet from the stock ; togidder with all and sundrie touris, fortalices, mylnes, woodis, fischingis, annexis, connexis, outsettis, pairtis, pendicles, and pertinentis whatsumever of all and sundrie the landis, teynd-scheaves, and vtheris abovewrittin, lying within the regalitie of Melros, stewartrie of Annandaill, and the foirsaid schirrefdome of Drumfreis : togidder also with all and sundrie the teynd-scheaves and vtheris teyndis, alsweill personage as vicarage, fruitis, rentis, emolumentis, and dewties whatsumever of the paroch kirk of Watstirker, personage and vicarage thairof and pertinentis of the samyn, lyand within the regalitie of Melros and schirrefdome of Drumfreis abovementionat, all vnit, creat, and incorporat in ane haill and frie tennendrie callit the TENNENDRIE OF DUMFADLING, be vertew and conforme to the chartour grantit be the said deceist King James the Saxt of glorious memorie vnder his great seill to the said deceist Walter Erle of Buccleugh, thairin designed Walter Lord Buccleuch, of the dait the seavint day of Aprill j^m^vj^c^ and threttein yeiris, ordaining seassing to be taken vpoun the grund of the foirsaidis landis of Dumfadling in all tyme thairefter, to stand and be sufficient seassing for all and sundrie the landis and vtheris imediatlie abovewrittin and for everie pairt thairof, without any vther speciall or particular seassing to be taken at any vther particular pairt or pairtis of the samyn, notwithstanding that the samyn ly not contigue and togidder :—AND SICKLYK all and haill the landis and lordschip of Ewisdaill lying within the over parochin of Ews, comprehending and including thairin the landis of Fidletoune, Blackhall, Glenvoran, Glenrichen, Hordway, Mossfauld, Vnthank, Mossepeople, and all vther landis lying within the foirsaid lordschip of Ewisdaill and over paroch of Ewis, with tennentis, tennendries, and service of frie tennentis thairof, presentatioun, advocatioun, and donation of the over kirk of Ewiss, and all thair pertinentis lyand within the foirsaid schirrefdome of Drumfreis : and lykwayes all and haill the landis of Quhythope with the pertinentis lyand within the barronie of Hawick and schirrefdome of Roxburgh abovementionat : and all and sundrie the landis of Dryden and Comonsyd with the pertinentis, lyand within the foirsaid schirrefdome of Roxburgh : as also all and sundrie the landis, barronie, lordschip, and vtheris vnderwrittin, to witt, all and haill the landis and barronie of Woltone with all thair pertinentis, dependances, annexis, connexis, pen-

dicles, outsettis, mylnes, multoris, tennentis, tennendries, service of frie tennentis thairof, togidder with the advocatioun, donatioun, and right of patronage of the kirk of Woltoune; all and haill the landis and barronie of Chalmerlane Newtoune, with all tounes, pairtis, dependances, annexis, connexis, outsettis, mylnes, multoris, tennentis, tennendries, service of frie tennentis thairof and thair pertinentis; all and haill the landis of Tynesyd and Harwood, Steadhillis, and Carlingpooll, with all and sundrie pairtis, pendicles, and pertinentis thairof, lyand within the foirsaid schirrefdome of Roxburgh: all and haill the landis of Ailmure, with the toure, mylnes, multoris, tennentis, tennendries, and service of frie tennentis thairof, lyand within the foirsaid schirrefdome of Selkirk, togidder with the advocatioun, donatioun, and right of patronage of the kirk of Hawick and prebendaries of the colledge kirk thairof; all and haill the landis and lordschip of Liddisdaill, with the castell, toure, and fortalice of Hermitage with frie forrest and regalitie thairof, and with all and sundrie tounes, landis, touris, fortalices, woodis, mylnes, multoris, annexis, connexis, dependances, pairtis, pendicles, tennentis, tennendries, and service of frie tennentis of the saidis landis and lordschip of Liddisdaill, togidder with the advocatioun and right of patronage of the kirkis, chaiplanries, and prebendaries perteining thairto, lyand within the foirsaid schirrefdome of Roxburgh: and all and haill the landis and steidingis of Elviland and Kirksteidis, with all and sundrie the pairtis, pendicles, and pertinentis thairof, lyand within the schirrefdome of Selkirk abovementionat, togidder with all and sundrie annexis, connexis, dependances, pairtis, pendicles, mylnes, multoris, woodis, forrestis, fortalices, fischingis, tennentis, tennendries, and service of frie tennentis thairof, with the advocatioun, donatioun, right of patronage of the benefices, kirkis, chaiplanries, and prebendaries of all and haill the landis, lordschip, barronies, and vtheris respective particularlie and generallie abovewrittin, with thair pertinentis, lyand as said is: which landis, lordschipis, barronies, and vtheris imediatlie aboverehearssit ar speciallie conteined in ane infeftment granted vnder the great seall to the deceist Francis Erle of Buccleuch, father to the said Countesse of Buccleuch, be his Majestie's deceist father of eternall memorie, of the dait the tent day of November j^{m}vj^{c} ffourtie seavin zeiris, wherby it is ordained that seassing to be taken at the castell, toure, and fortalice of Hermitage shalbe sufficient seassing for the haill landis, barronie, lordschip, advocatioun, donatioun, right of patronage, and vtheris particularlie and generallie abovewrittin exprest in the infeftment grantit be his Majestie's said deceist royall father of glorious memorie to the said deceist Frances Erle of Buccleuch in maner thairin exprest:—And sicklyk all and haill the landis callit the Maynes of Over Hailles, with the mylne thairof, mylnelandis, multuris, and sequellis of the samen; and

all and haill the landis of Nether Haillis, with housis, bigingis, yairdis, pairtis, pendicles, and pertinentis of the foirsaidis landis and mylne respective, as the samen wer possest be Sir James Murray, knicht, and wer possest of befoir be the said deceist Francis Erle of Buccleuch and his tennentis, and be his deceist father and guidshir and thair tennentis in his or thair names, which landis, mylnes, and vtheris foirsaidis are proper pairtis and pertinentis of the landis and barronie of Haillis, lyand within the constabularie of Hadingtoun and schirrefdome of Edinburgh, in the which landis of Hailles and vtheris foirsaidis the said Anna Countesse of Buccleuch standis heretablie infeft and that in speciall and reall warrandice and securitie to her and to her heiris and assignes of the foirsaidis landis, lordschip, and barronie of Liddisdaill, barronies of Woltoune, Chalmerlaine Newtoune, and vtheris landis, patronages, and vtheris respective abovementionat, in maner and conforme to the chartour granted vnder the great seill to the said deceist Frances Erle of Buccleuch, his airis and assignes thairin specifiet, and in the which warrandice landis and vtheris respective the deceist George Erle of Wintoune is also infeft as for the principall, conforme to ane chartour vnder the great seill, daitit the day of j^{m}vj^{c} ffourtie yeiris, and conforme to the contract past betwixt the said deceist Frances Erle of Buccleuch with consent of his curatoris thairin specifiet, on the ane pairt, and the deceist Charles Stewart sone and air to the deceist Frances Stewart who was eldest laufull sone to the deceist Frances sumetyme Erle of Bothwell, with consent of the said deceist George Erle of Wintoune, the deceist George Seatoune, doctor of divinitie, and divers vtheris persones thairin nominat, of the dait the tent, twentie-tua, and saxtein dayes of August, September, and Februar j^{m}vj^{c} ffourtie-seavin and j^{m}vj^{c} ffourtie-aucht yeiris, and registrat in the bookis of counsall and sessioun vpoun the saxtene day of Aprill j^{m}vj^{c} ffourtie-nyne yeiris: and, moreover, all and sundrie the landis and vtheris eftermentionat, viz., all and haill the landis, lordschip, regalitie, toune, and burgh of barronie and regalitie of Dalkeith, with the haill liberties, fairis, mercatis, and vtheris priviledges perteining thairto, lying locallie within the parochin of Dalkeith, togidder with the castell and fortalice thairof, and haill housis, yairdis, and orchardis of the samyn, togidder also with the wood and park of Dalkeith and the haill landis includit within the staine dyck of the samyn park, togidder lykwayes with the mylnes of Dalkeith, alsweill corne mylnes as walk mylnes, with the multoris of the saidis corne mylnes, and mylne landis of the samyn haill mylnes respective, and with the dowcattis, fischingis, cuningharis, tennendries, and service of frie tennentis of the foirsaid lordschip and barronie, togidder lykwayes with the haill coallis and coallheughis within the samyn landis and lordschip or ony vther pairt, alsweill propertie as tennendrie thairof;

and sicklyk with the advocatioun, donatioun, and richt of patronage of the colledge kirk of Dalkeith, proveistrie and haill prebendaries thairof; togidder in lyk maner with the teyndis great and small, personage and vicarage of the foirsaidis landis and lordschip of Dalkeith alsweill propertie as tennendrie thairof, lyand naturallie and locallie in the parochin of Dalkeith; and als all and haill the landis and barronie of Lugtoune, with the manor-place, housis, yairdis, orchairdis, mylnes, multoris, coallis, coallheughis, fischingis, and all thair pertinentis, togidder with the haill teyndis great and small, personage and vicarage of the foirsaidis landis and barronie of Lugtoune, with all and whatsumever kirk landis, temple landis, and vtheris landis whatsumever, of whatsumever tittill, name, or designation the samen be, lying naturallie and locallie within the foirsaid lordship and barronie and within the said parochin of Dalkeith, holden imediatlie of his Majestie, all lyand within the foirsaid schirrefdome of Edinburgh: togidder with full right, priviledge, and jurisdictioun of frie regalitie, chapell, and chancellrie, within the foirsaidis haill boundis of all and sundrie the foirsaid lordschip, barronie, teyndis, and vtheris abovewrittin, with all and sundrie thair pairtis, pendicles, and pertinentis aboverehearssit, and with all and sundrie pre-eminences, prerogatives, liberties, priviledges, fies, casualities, proffeittis, and dewties perteining and belonging to any vther regalitie within the kingdome of Scotland or that may be knowin or dignosced to pertein thairto in any tyme heirefter, togidder with the advocatioun, donation, and right of patronage of the paroch kirk and parochin of Dalkeith, personage and vicarage thairof, all vnit, creat, and incorporat in ane haill and frie lordschip, barronie, and regalitie, callit the Lordschip, Barronie, and Regalitie of Dalkeith: and ffarder, all and haill the landis eftermentionat, viz., the landis of Elvingstoune, with mylnes, fischingis, toftis, croftis, pairtis, pendicles, tennentis, tennendries, and service of frie tennentis thairof, with thair pertinentis; the landis and barronie of Garmiltoune Duning, with the manor-place, yairdis, orchairdis, mylnes, fischingis, toftis, croftis, pairtis, pendicles, annexis, connexis, outsettis, tennentis, tennendries, service of frie tennentis, advocation and donation of the kirkis and chaplanries thairof, and all thair pertinentis, lyand within the constabularie of Hadingtoune and the foirsaid schirrefdome of Edinburgh: all and haill the landis and barronie of Caldercleir, with the manor-place, yairdis, orchardis, mylnes, woodis, fischingis, pairtis, pendicles, annexis, connexis, tennentis, tennendries, service of frie tennentis, advocation and donation of the kirk of Caldercleir and chaplanrie thairof, and all thair pertinentis, lyand within the foirsaid schirrefdome of Edinburgh: the landis of Hauthornesyk with the pertinentis, lyand of old within the constabularie of Linlithgow and schirrefdome of Edinburgh abovespecifiet, and now within the schirrefdome of Linlithgow: the landis of Dechmont, the landis of Houdene, the landis of Knichtrig, with the

pertinentis, lyand within the barony of West Calder and of old within the constabularie of Linlithgow and now within the schirrefdome of Linlithgow : togidder with the priviledge and right of frie regalitie within the boundis of the landis and vtheris abovewrittin, with all priviledges, liberties, immunities, casualities, proffeittis, and dewties whatsumever perteining and belonging thairto, which landis, lordschipis, barronies, and vtheris imediatlie aboverehearssit ar all vnit, creat, and incorporat in ane haill and frie lordschip, barronie, and regalitie callit the BARRONIE AND REGALITIE OF DALKEITH, be vertew and conforme to ane chartour granted be his Majestie's deceist royall father of eternall memorie vpoun the dispositioun and resignatioun of the deceist Wiliame Erle of Mortoune, to and in favouris of the said deceist Frances Erle of Buccleuch, his airis and assignes thairinspecifiet, daitit the twentie aucht day of July j^m vj^c ffourtie twa yeiris, and be the which chartour the foirsaid toune and burgh of barronie of Dalkeith is ordained to be the heid burgh of the said regalitie of Dalkeith for the haill landis and vtheris respective abovementionat, and for the haill heretoris, tennentis, and possessoris thairof and indwellaris thairin repaireing thairto, and wherby the toure, fortalice, and castell of Dalkeith is ordained to be the principall messuage thairof, and seassing to be taken thairat to be sufficient for the foirsaid lordschip, barronie, regalitie, burgh of barronie, and vtheris respective abovespecifiet in maner exprest in the foirsaid chartour :—AND LYKWAYES ALL AND HAILL the landis and barronie of Schirreffhall, with the manor-place, yairdis, orchairdis, dowcattis, coallis, coallheughis, and vtheris pertinentis thairof whatsumever, togidder with the teyndis great and small, personage and vicarage of the saidis landis and barronie of Schirreffhall, with the pertinentis, lyand within the foirsaid schirrefdome of Edinburgh, vnit and incorporat in ane frie barronie callit the Barronie of Schirreffhall, conforme to the foirsaid infeftment imediatlie above exprest, granted to the said deceist Frances Erle of Buccleuch, father to the said Anna Countes of Buccleuch, of the foirsaid lordschip and regalitie of Dalkeith, quhairin is also mentionat the said barronie of Schirreffhall : and lykwayes all and sundrie the landis and vtheris vnderwrittin, to wit, all and haill the landis and barronie of Carlaverock and Locherwood, with the castell, toure, fortalice, mylnes, woodis and fischingis thairof, lyand within the foirsaid schirreffdome of Drumfreis : all and haill the landis of Trailtrow, with pairtis, pendicles, annexis, connexis, outsettis, and pertinentis thairof, lyand within the stewartrie of Annandaill and the foirsaid schirrefdome of Drumfreis : all and haill the Great Hous or Pallace in Drumfreis, with housis, bigingis, yairdis, orchairdis, barneyairdis, perteining thairto, and speciallie the barnes and barneyairdis lyand on the eist syd of the burgh of Drumfreis, neir the Touneheid thairof, possest be the deceist Robert Erle of Nithisdaill and his predicessoris as thair barne

and barneyaird ; all and haill these twa backhousis and yairdis perteining thairto lying near the water of Nith, besyd the sandbeddis thairof, on the west and south-west sydis of the samyn burgh of Drumfreis, alsweill possest be the said deceist Robert Erle of Nithisdaill and his predicessoris and authoris, or vtheris in thair names, lyand within the foirsaid burgh of Drumfreis and within the schirrefdome thairof abovespecifiet : all and haill the landis of Flask and Flaskholme, the landis of Howgill and Glendorane, the landis of Burnegraynes, the landis of Wolffhope and pendicle thairof callit Belstanerig, the landis of Park *alias* Bliss, with toures, fortalices, housis, bigingis, yairdis, orchairdis, annexis, connexis, pairtis, pendicles, and pertinentis thairof quhatsumever, lyand within the foirsaid schirrefdome of Drumfreis : and sicklyk all and haill the ffyftie thrie schilling four pennie land of Murthum, the ffyve pund land of Gallowsyd, with the pendicle thairof callit Meikleholme Wallis, the ffourtie schilling land of Neis, the twentie sax schilling aucht pennie land of Wattergraynes, the ffourtie schilling land of Brigholmes *alias* Bigholmes, the ffyftie thrie schilling four pennie land of Glencors of old extent, which ar proper pairtis and pertinentis of the landis of Wauchopedaill ; all and haill the landis of Torrona, extending to ane thrie pund sax schilling aucht pennie land of old extent, with housis, bigingis, yairdis, and fischingis of salmond and vther fisches, pairtis, pendicles, and pertinentis quhatsumever of the foirsaidis landis, lyand within the said schirrefdome of Drumfreis : all and sundrie the landis of Dunsoon, Willieholme, and Crueholme, the landis of Tounsteadis, the landis of Halyshaw, the landis of St. Brydis Hill, the landis of Puttingstaneholme and Raeknowes and pendicles thairof callit Westwater, the landis called Glentinmonthead, the landis of Tannalie, the landis of Waterholme and Birselandis, the landis of Bloch, the landis of Brokinheidscheill, the landis of Blackburnefutt and Corsmungo, the landis of Erishauch, the landis of Touneschaw, the landis of Newlandis, the landis of Beckes, the landis of Birnieley, the landis of Catfeild with the mylne, mylnelandis, multoris, and sequellis thairof, the landis of Meikleholme, the landis of Stobbholme, the landis of Stankheuch, Rowingtreely *alias* Rowingtriefoord, and Mucktrailling, with the haill pendicles thairof, now callit Irwing, togidder with the advocatioun, donatioun, and right of patronage of the paroch kirk of Wauchope, personage and vicarage thairof, with the salmond fischingis and vther fischingis in the wateris of Esk and Wauchope, all lyand in Wauchopedaill and within the foirsaid schirrefdome of Drumfreis : the landis of Bliss in Euisdaill : all and haill the landis of Langholme with the fortalice, manor-place, mylnes, woodis, fischingis, and pendicles thairof callit Holmehead, and all vther pairtis, pendicles, and pertinentis of the samyn, and burgh of barronie of Langholme, with the weiklie mercat and frie faires thairof, tollis, customes, liberties, priviledges, comodities, and casualities of the same ; the landis of Bromeholme

with the pertinentis, the landis of Arkenholme and pendicle thairof callit Turnerholme with the pertinentis, the landis of Teviotscheillis with the pertinentis, the landis of Whitescheillis with the pertinentis thairof, the landis of Balgray with the pertinentis, the landis of Earkin with the pertinentis, the landis of Brackinwrae and pendicle callit Tellend, Over and Nether Milholmes and Timpen, with thair pertinentis, the landis of Staplegortoune with the pertinentis, the landis of Burnfoot, Stankgaitt, and Finland, with thair pertinentis, the landis of Cairnesgill *alias* Couthersgill, with the pendicle thairof callit Nettilbuttscheill, and thair pertinentis, the landis of Bombie with the pertinentis, the landis of Glenberten with the pertinentis, the landis of Coutherland *alias* Coutherglen with the pertinentis, the landis of Loganeheid and pendicle thairof callit Logane with the pertinentis, the landis of Bunies with the pertinentis, the landis of Emzieholme and Milgilheid with the pertinentis, the landis of Apletriequhat with the pertinentis thairof, the landis of Harperquhat with the pertinentis, the landis of Lyneholme with the pertinentis, the landis of Dalbeath with the pertinentis, the landis of Munckisyd with the pertinentis, the landis of Bailziehill and pendicle thairof callit Dunnaholme and Couarthous with thair pertinentis, the landis of the Woodis with the pertinentis, the landis of Crunzeartoune now comonlie callit Bankheid, Burnefutt, and Willieholme, with the pertinentis, the landis of Scheill with the mylne thairof and thair pertinentis, the landis of Littill Megdaill with thair pertinentis, the landis of Meikle Megdaill, comonlie callit Trochope, and pendicle thairof callit Mairtfauld, with the pertinentis of the same, the landis of Braidheid, Glenkeill, Massis Seat *alias* Moffitwinderlies, and Stanries, with thair pertinentis, the landis of Auchingavill, the landis and maynes of Logane with the pertinentis thairof, the landis of Knock with the mylne of the samyn and thair pertinentis, the lands of Boyikin and pendicle thairof callit Caldkin with the pertinentis of the same, the landis of Rig with the pertinentis, the landis of Craiges with the pertinentis; and all thair castellis, touris, fortalices, manor-places, housis, bigingis, mylnes, woodis, mylnelandis, moores, marisches, fischingis, annexis, connexis, pairtis, pendicles, tennentis, tennendries, service of frie tennentis of all and sundrie the landis and vtheris abovementionat with the pertinentis thairof quhatsumever, all lyand within the foirsaid schirrefdome of Drumfreis, and that for the principall :—and in lyk maner all and sundrie the landis and vtheris eftermentionat, viz., all and haill the landis and barronie of Carlaverock and Locherwood, with the castellis, touris, fortalices, mylnes, woodis, and fischingis thairof, lyand within the said schirrefdome of Drumfreis; and als all and sundrie the landis, lordschip, and barronie of Buittell, viz., the toune of Buithell, the mylne of Buithell, Monkschawis, Barskein, Marnoch, Cassilgour, Balgredon, Guffukland, Curwarie, Nether Saltoune

alias Halmyre, with the isle of Whithorne, Clone, Auldcocklies, Knock Meikle, Knock Littill, Colliegnaws, the fisching of Vre, Cor, Beltone, Daldevin, Loch Dogan, Over Loch Dovan, Midle Loch Dovan, Netherliemarkis, the mark land of Kirkbryd, Mott of Vre, Jacklig, Milbank, Littil Richorne, Clognaw, Carlingwork, Parkwark, with all and sundrie thair pairtis, pendicles, outsettis, and pertinentis of the foirsaidis landis and barronie, lyand in the foirsaid lordschip of Galloway and within the stewartrie of Kirkcudbright; all and haill the twentie pund land of Threvegrange on aither syd of the water of Die, with the mylnes thairof, annexis, connexis, fischingis, pairtis, pendicles, and all thair pertinentis, lyand within the foirsaid stewartrie of Kircudbright: —and that in speciall warrandice and securitie of all and sundrie the landis and vtheris above and vnderwrittin, to wit, of all and haill the foirsaid Great Ludgeing or Pallace in Drumfreis, with housis, bigingis, barnes, barneyairdis, and pertinentis thairof above-mentionat, and of the foirsaidis twa killis, baikhousis, and yairdis perteining thairto, all lyand as said is, of the foirsaidis landis of Steikheuch comonlie callit Irwen, of the foirsaidis landis of Midholmes, of the landis of Murthum, of the foirsaidis landis of Beckis and Newlawis, of the foirsaidis landis of Stobieholme, of the foirsaidis landis of Meikleholme and Gallowsyd, off the foirsaidis landis of Wesisheillis, off the saidis landis of Cauldfeild with the mylne thairof, mylnelandis, multoris, and sequellis of the samyn, of the foirsaidis landis of Corsmungo, of the foirsaidis landis of Eisthauch and Tomishoill, of the foirsaidis landis of Blockburnefut, of the foirsaidis landis of Brokenheadshiell, of the foirsaidis landis of Bloyth, of the foirsaidis landis of Wattergrange, of the foirsaidis landis of Glencors and Woodhouslie, of the foirsaidis landis of Tannalie, of the foirsaidis landis of Watterholmes, of the foirsaidis landis of Birselandis, of the foirsaidis landis of St. Brydis Hill, of the foirsaidis landis of Bigholme, of the foirsaidis landis of Puttingstaneholme, of the foirsaidis landis of Raeknowes, of the foirsaidis landis of Halieschaw, of the foirsaidis landis of Glentinmontheid, of the foirsaidis landis of Tounesteadis, of the foirsaidis landis of Monkrieland, Rowanetrieland, off the foirsaidis landis of Torrona, of the foirsaidis landis of Flask and Flaskholme, of the foirsaidis landis of Howgill, of the foirsaidis landis of Glendovan, of the foirsaidis landis of Park *alias* Buse, off the foirsaidis landis of Burnegraynes, of the foirsaidis landis of Wolffhope, of the foirsaidis landis of Blisse, of the foirsaidis landis of Wray, of the foirsaidis landis of Fingland, Standergait, and Burnfot, of the foirsaidis landis of Clarlasgill, off the foirsaidis landis of Bombie, of the foirsaidis lands of Caldkine, of the foirsaidis landis of Loganeheid, of the foirsaidis landis of Bromelies, of the foirsaidis landis of Enzieholme and Milgilsyd, off the foirsaidis landis of Apletriewhat, of the foirsaidis landis of Erishwood, of the foirsaidis landis of Meikle Megdaill, of the foirsaidis landis of Crunzeartoune

alias Bilholme, and of the foirsaidis landis of Littil Megdaill; with all and sundrie thair touris, fortalices, manor-places, housis, bigingis, yairdis, orchairdis, mylnes, woodis, fischingis, annexis, connexis, tennentis, tennendries, service of frie tennentis, pairtis, pendicles, and pertinentis thairof quhatsumever, lying within the foirsaid schirrefdome of Dumfreis: sua that if it shall happin the landis and vtheris respective abovementionat principallie disponed or ony pairt thairof to be evicted fra the said Countesse of Buccleuch and her promeist husband above nominat and thair foirsaidis, that then and in that caice they shall have full and frie regress, ingresse, and access to the foirsaidis warrandice landis in maner specifiet in the richtis and securities thairof and particularlie the chartour granted vnder the great seall to the said deceist Frances Erle of Buccleuch, his airis and assignayes thairin mentionat, of the landis and vtheris aboverehearssit, proceiding vpoun the resignatioun of Sir Alexander Murray of Blackbarronie, knicht, and of the deceist Sir Williame Dick of Braid, in maner thairin exprest, which chartouris daitit the seavint day of Aprill j^m vj^c ffourtie thrie yeiris, and by the which chartour the samen haill landis and vtheris respective above specifiet, principall and warrandice, ar vnit, anext, creat, and incorporat in ane haill and frie barronie callit the BARRONIE OF LANGHOLME, and ane seassing ordained to be taken at the principall messuage of Langholme to be sufficient for the haill landis and vtheris respective abovementionat, alsweill principall as warrandice, in maner as is sett doune att lenth in the foirsaid chartour granted to the said deceist Frances Erle of Buccleuch: AND SICKLYK ALL AND HAILL the landis and barronie of Hassendein, conteining thairin the landis of Apletriehall, with tennentis, tennendries, service of frie tennentis thairof, and thair pertinentis, lyand within the foirsaid schirrefdome of Roxburgh: and lykwayes all and haill the roumes and landis of Whythope, Fawoodscheillis, Huntlie, and Eltreve, with all and sundrie thair housis, bigingis, yairdis, mosses, mures, meidowis, pasturages, pairtis, pendicles, and pertinentis thairof whatsumever, lyand within the lordschip of Ettrick Forrest and schirrefdome of Selkirk abovespecifiet: and all and haill the landis of Winterburgh and landis of Fadongrange *alias* Craighill, with the fortalice and manor-place comonlie callit Newburgh, and all vther manor-places, housis, bigingis, yairdis, orchairdis, mylnes, woodis, fischingis, coallis, coallheughis, cuningis, cuninghares, mosses, moores, meidowes, outsettis, annexis, connexis, dependances, pairtis, pendicles, and all thair pertinentis whatsumever, lyand within the foirsaid lordschip of Ettrick Forrest and schirrefdome of Selkirk: togidder with all and quhatsumever vther landis, lordschipis, barronies, patronages, teyndis, woodis, mylnes, fischingis, regalities, offices, and all vtheris landis and heretages whatsumever lyand within the kingdome of Scotland, of whatsumever name, designatioun, or qualitie they be of, presentlie perteining and

belonging to the said Countesse of Buccleuch for herselff or as air or appeirand heir to any of her predicessoris, or that shall happin to pertein or belong to her :— AND THAT IN THE HANDIS of his Majestie and all vtheris her imediat laufull superiouris presentlie being or that shall happin to be for the tyme, of the landis, lordschipis, barronies, and vtheris particularlie and generallie above mentionat, or of his or thair commissioneris haveing his or thair power and commissioun to receave resignationes in his or thair names, IN FAVOURIS and for new rightis and infeftmentis thairof to be made and granted to the said James Duk of Monmouth and Anna Countesse of Buccleuch, in coniunct fie or lyfrent, and the heiris male to be gotten betwixt them ; which failzieing, in favouris of the heiris male to be gotten of the said Countesse her bodie ; which faileing, in favouris of the eldest heir female to be gottin betwixt the said James Duk of Monmouth and noble Countesse without divisioun ; which faileing, in favouris of the eldest heir female quhatsumever to be gottin of her bodie without divisioun ; which faileing, in favouris of the said James Duk of Monmouth and the heiris male whatsumever to be gotten of his bodie ; which faileing, the eldest heir female whatsumever to be gotten of his bodie, without divisioun ; which faileing, to the said James Duk of Monmouth and his heiris and assignayes whatsumever, vnder the provisiounis, restrictionis, and reservatiounis efter specifiet, viz., that the said James Duk of Monmouth and the heiris male and female abovementionat who shall happin to succeid to the foirsaid titill, dignitie, and estait in all tyme cuming shall assume and tak one the surname of Scott, carie, wear, and vse the airmes of the hous and familie of Buccleuch, and also provyding that this obleisment to resigne, and the resignatioun, rightis, and infeftmentis to follow thairvpoun shall nowayes import nor infer any hurt or prejudice to the said Anna Countesse of Buccleuch or the heiris to be procreat of her bodie anent thair right of successioun to the foirsaid estait, wherby they may anywayes losse or amit the samen or ony pairt thairof. It is lykwayes provydit and declaired that the said Margaret Countesse of Weymes, her consent to this present contract, sall nawayes prejudge her of her lyfrent, landis, and vtheris which wer provydit to her by the said deceist Frances Erle of Buccleuch, her former husband, during her lyftyme. And to the effect resignatioun may be maid in maner foirsaid, the said Anna Countesse of Buccleuch, with advyse and consent of her saidis curatoris for thair entress, makis and constitutis

and ilke ane of them, coniunctlie and seuerallie,

her laufull procuratoris, with power to them or ony ane of them to compeir befoir his sacred Majestie or his commissioneris haveing power, and also to compeir befoir any vther of the said Countesse her imediat laufull superioris of the landis and vtheris abovewrittin, and thair, with all humilitie and reverence as becumes, be staff and

bastoune, as vse is, to resigne, surrander, and vpgive in the handis of his Majestie or his commissioneris the foirsaid tittill, honour, and dignitie of Erle and Countes of Buccleuch, as also in the handis of his Majestie or his commissioneris and vtheris her superiouris, or his or thair commissioneris, all and sundrie the foirsaid Erledome of Buccleuch, landis, lordschipis, barronies, mylnes, woodis, fischingis, teyndis, personage, and vicarage, castellis, touris, fortalices, maner-places, and vtheris particularlie and generallie abovewrittin, in favouris and for new rightis, letteris patentes, and infeftmentis to be maid and granted of the samyn to the said James Duk of Monmouth, his Majestie's naturall sone, and the said Anna Countesse of Buccleuch, in coniunct fie or lyfrent, and the heiris male to be gotten betwixt them ; which faileing, to the heiris maile to be gotten of the said Anna Countes of Buccleuch her bodie ; which faileing, to the eldest heir female to be gottin betwixt the said James Duk of Monmouth and the said noble Countes, without divisioun ; which failzeing, to the eldest heir female whatsumever to be gotten of the said Countesse her bodie, without divisioun : which faileing, to the said James Duk of Monmouth and the airis maill to be gotten of his bodie whatsumever ; which faileing, to the eldest heir female to be gottin of his bodie, without divisioun ; which faileing, to the said James Duk of Monmouth and his airis and assignayes whatsumever, vnder the provisionis, restrictiones, and reservationes, above and vnderwrittin, to be insert in the instrumentis of resignatioun and infeftmentis to follow heirvpoun ; actis, instrumentis, and documentis, ane or mae, to ask, lift, and raise, and if thair be any of the landis and vtheris particularlie and generallie aboverehearssit, wherin the said Anna Countesse of Buccleuch is not as zet infeft as air to any of her predicessoris who died last vest and seassit thairin as of fie, with power to her saidis procuratoris, or ony of them, to obtein hir infeft, and to resigne the samyn in favouris, to the effect, and vpon the provisionis and conditionis abovewrittin : And ffarder, the said Anna Countesse of Buccleuch, with advyse and consent foirsaid, obleissis her and her abovespecifiet, vpoun the conditiones alwayes and provisiounis above exprest, to establish and secure the rightis of all reversiounis, takis of teyndis, and vther heritable rightis and securities quhatsumever whervpoun no infeftmentis hes followed, omni habili modo, in favouris of the said James Duk of Monmouth and her selff and thair airis male, and of provisioun abovewrittin : as also, if it shall please God that thair shall be ane heir of the foirsaid mariage who shall have right to succeid to the foirsaid dignitie and estait in maner abovementioned, and that the said Countesse shall happin to survive her said promeist husband, in that caice the said Countes shall be holden and by these presentis oblidges her to denud herselff in favouris of the foirsaid air of the mariage of the haill landis and vtheris aboverehearssit off the estait of Buccleuch, except

the soume of ffyve thousand pundis sterling be yeir of frie rent, during all the dayes of her lyftyme, ffor peyment wherof she is to retein the landis and vtheris above and eftermentionat, and whereof she shall not be holden to denud her selff, to witt, all and haill the foirsaid landis—[*here are specified certain of the lands given in detail above*]—It is alwayes heirby provydit and declaired, if the frie rent of the landis and vtheris above rehearssit wherof the Countesse is to have retentioun in the caice foirsaid, as is above exprest, shall exceid the said soume of ffyve thousand pundis sterling yeirlie, that then and in that caice sho shall be lyable to pey to the heir of the mariage the superplus of the samyn frie rent, if any be, yeirlie: as also, it is heirby provydit, declaired, and agried vpoun, if the said heir or heiris of the foirsaid mariage sall depairt this lyff (which God forbid) befoir the said Countesse, thair mother, that then and in that caice sho shall returne imediatlie thairefter to the right of the foirsaid lyfrent fullie during her lyftyme; and moreover it is heirby expresslie provydit and declaired, if it shall please God that any of the saidis affidat spousses depairt this lyff within yeir and day nixt efter the mariage without ony airis or bairnes of the samyn mariage, that then and in that caice aither of the saidis affidat spoussis surviveing shall nevertheles have right and power, by vertew of this contract, to injoy and posses in lyfrent, during all the dayes of their respective lyftymes allenerlie, the landis and vtheris provydit and appoynted to be provydit to them and aither of them, *hinc inde*, notwithstanding of any law or custome of the kingdome of Scotland to the contrarie: and farder, it is heirby provydit, iff the said Anna Countesse of Buccleuch shall happin to depairt this lyff befoir the said James Duk of Monmouth, that then and in that caice her airis and executoris shall have no right to any pairt of the said James Duk of Monmouth his moveabillis, or to that pairt thairof callit the wyffis pairt, but that the samen sall appertein to the said James Duk of Monmouth without any claime from her heiris or executoris, but prejudice alwayes to the said Countesse of hir right to the said James Duk of Monmouth his moveabillis *jure relictæ*, if sho shall happin to survive him: as also, it is provydit and declared that if, besydis the heir male or eldest heir female of the foirsaid mariage who shall have right to succeid without divisioun, thair be dochteris ane or ma procreat of the same mariage, in that caice the foirsaid heir of the said mariage shall be holden to pey to the saidis dochteris at thair respective aiges of ffourtein yeiris compleit the soumes of money vnderwrittin, viz., iff thair be one dochter besydis the heir, the soume of ane hundreth thowsand markis Scottis money, and if ther be twa, to the eldest ane hundreth thowsand markis, and to the youngest ffourscoir thowsand markis money foirsaid, and if thair be mo dochteris then twa, in that caice each of the saidis vther dochteris more then twa to have thriescoir thowsand markis money abovewrittin

apeice; which portiones ar and salbe to them in contentatioun to them of all moveabillis, als weill airship moveabillis as vther moveabillis, which they or any of them shall happin to have right to be deceis of thair said father or mother, wherof they shall be holden to denud themselffis in favouris of the said air of the foirsaid mariage, for the better enableing the samen air to pey the foirsaidis provisiounis, and the said heir being lykwayes holden to releive the foirsaidis dochteris of all debtis and burdenis quhairwith they, as airis of lyne, executoris, or neirest of kin, can anywayes be burdeined; and in lykmaner the said heir salbe holden to educat, bring vp, and intertein the saidis dochteris honorablie as becomes thair qualitie, vpoun the heiris awin expenss, vntill they be of the aige of ffourtein yeiris, and thairefter to pey to them the annelrent of thair respective portiones so lang as the samen sall remain vnpeyit: and farder, in respect the said James Duk of Monmouth hes not as zet nominat and chosen any curatoris by whoise advyse he is to medle, intromet with, and administrat his estait and effairis, thairfoir it is heirby provydit and declaired that it sall be laufull to the said James Duk of Monmouth, and to ye said Anna Countesse of Buccleuch, to medle and intromet with thair estaitis belonging to and provydit to them, and to administrat all vtheris thair effaires and bussines, with advise and consent of the curatoris abovewrittin of the said Countes of Buccleuch, which curatoris abovespecifiet are to continew in the office of curatorie and to have als great power as was competent to them befoir this contract, and as if the said James Duk of Monmouth being of full aige had maid choyse of them to be his awin curatoris, and that ay and whill the said James Duk of Monmouth shall mak ane legall electioun himselff aither of those or of vther curatoris in thair place, whervnto his Majestie is graciouslie pleased to interpone his royall authoritie. And, moreover, the said Anna Countesse of Buccleuch, with consent of her saidis curatoris, bindis and obleisis her and her foirsaidis not onlie to reiterat and renew these presentis soe often as sho shalbe requyrit, ay and quhill the said James Duk of Monmouth and his airis and assignays foirsaidis be sufficientlie secured in the saidis landis, estait, and dignitie of Buccleuch, failzieing heiris of the said Countess her awin bodie in maner above rehearssit, bot also, iff it shall be thocht expedient for the said James Duk of Monmouth and his foirsaidis thair farder securitie anent the premissis, the said noble Countes bind[is] and obleisis her and her foirsaidis to grant, subscryve, and delyver sufficient, valied legall dispositiones of the said haill estait of Buccleuch with the pertinentis and honour and dignitie above specifiet, conteining procuratories of resignatione and all vther clausis neidfull to and in favouris of the said James Duk of Monmouth and his airis or assignays whatsumever, failzeing of heiris of the said

noble Countesse her awin bodie vnder the provisionis above and vnderwrittin, and to do, performe, subscryve, and delyver all and whatsumever vther deidis, writtis, rightis, and securities neccessar and requisit for establishing the absolut heretable and irredeimable right of the foirsaid haill estait and dignitie of Buccleuch in the persone of the said James Duk of Monmouth and his airis and assignayes whatsumever, failzieing of airis of the said noble Countes her awin bodie, secluding all vtheris the said Countes her heiris and assignayes, in the surest maner that can be devysit, whensoever sho salbe desyred and requyred thairto: Provyding alwayes that the said James Duk of Monmouth and his heiris and assignayes whatsumever who shall happin to succeid to or bruik and injoy the foirsaid estait and dignitie in tyme cuming, tak one the name of Scott, weir and vse the airmes of the house and familie of Buccleuch; as also provyding that nane of the oblidgmentis abovewrittin conceavit in favouris of the said James Duk of Monmouth and his foirsaidis resignationes and infeftmentis to follow thairvpoun, shall infer any hurt or prejudice to the said Countesse and the airis to be procreat of her awin bodie, wherby sho or her said air of her awin bodie may anywayes losse or amit thair right to thair said estait and dignitie, vtherwayes the foirsaidis obleismentis to be voyd and null and holden as not insert in this present contract in sua far allenerlie as the same may import or infer the said Countesse and the heiris of her awin bodie thair losseing and amitting of thair right of the foirsaid estait and dignitie as said is, but prejudice to the said James Duk of Monmouth and his foirsaidis anent any vther of the claussis and obleismentis abovewrittin conceavit in his or thair favouris, which dois not import nor infer the said prejudice and danger; and finallie it is heirby declaired that this contract of mariage is noe wayes to prejuge ane vther contract latlie past betwixt the said Erle of Rothes and Countes of Buccleuch, with consent of her curatoris, nor any obleismentis, dischairges, renuntiatiounis and rightis thairin conteined, maid, and granted be the said Countesse to the said Erle of Rothes for his quyteing of the said Countes her waird and mariage in maner thairin specifiet: and, for the moir securitie, both the saidis pairties, and the said Countesse off Buccleuchis curatoris abovenominat, for thair entres, ar content and consent that these presentis be registrat in the bookis of counsall and sessioun within the kingdome of Scotland, and decernit to have the strenth of ane decreit of the Lordis thairof, that letteris of horning on ane simple chairge of sax dayes onlie, and vtheris letteris and executoriellis neidfull may be direct heirvpoun in forme as effieris; and for registrating heirof constitutis

thair procuratoris.—In witnes quhairof, his sacred Majestie hes superscryved this present contract; lykas the haill remanent pairties and curatoris above nominat, have subscryvit

the samyn with thair handis (writtin be Johne Mak, writter), dayes, yeir, and places respective foirsaid, befoir these witnesses, the Chancellour of Scotland, Generall Maior Ro. Montgomorie, Johne Malcolme of Ballbedie, Patrik Scott of Langshaw, and Mr. James Bining, advocatt, witnesses to the curitors' subscriptiones, att Edenburgh, and befor the Earls of Bathe and Craufoord Linsay, the Lord Ogellvie, Mr. Edward Proger, groome of his Majestie's bedchamber, and James Makgill appearand of Rankeilour (inserter of the date and witnesses), witnesses to hes Majestie's superscription and to the subscriptiones of the Duk of Monmouth, and the Countess of Buccleuch, and the rest of the curitores.

MONMOUTH.
ANNA BUCCLEUCH.

BATHE, witnesse.	MARGARET WEMYSS consents.
EDWARD PROGER, witness.	ROTHES consents.
GLENCAIRNE, witnes.	EGLINTOUN consents.
OGILVY, witnes.	WEMYSS consents.
CRAFURD LINDESAY.	WINTOUN consents.
R. MONTGOMERIE, wittnes.	LEVEN consents.
J. MALCOLME, witnes.	MONTGOMERIE consents.
P. SCOTT, witnes.	S. G. ELIOTT consents.
Mr. J. BINNING, witnes.	THO. ROSS consents.
THOS. WALLACE, witnes.	Mr. L. SCOTT consentis.
J. MAKGILL, witnes.	R. SCOTT consents.

406. INSTRUCTIONS by HIS MAJESTY to MR. RICHARD HOPTOUN anent the DUKE OF BUCCLEUCH'S affairs. 1665.[1]

INSTRUCTIONS for Richard Hopton, Esquire, Gentleman of our Privy Chamber.

22 March, 166$\frac{5}{4}$.

CHARLES R.

YOU shall with all convenient speed goe to Edenburgh: you shall acquaint our commissioner, or in his absence, my Lord Cockeram, with your arrivall: and that it is our pleasure that a meeting be called of the curators of the Duke of Buccleugh and

[1] Reliquiae Antiquae Scoticae, p. 5.

Monmouth, to whom you shall make knowne our further pleasure in these following particulars :—

That the curators cause all persons to bring in their accounts that have had the management of the estate since the death of the late Earle of Buccleugh, either as tutors or curators or ony otherway, that itt may be knowne how the rents have been employed, what debts have been payd (if any were owing by the said Earle or the late deceased Countesse), and likewise what is owing to the present Duke and Dutchesse vpon heritable bonds or otherwise ; and that the curators vse all diligence to recover the same and returne them.

That all arreares of rents since the death of the said Earle and the deceased Countesse his daughter, bee immediatly required of the receivers or chamberlains or tenants, and payd into Alderman Backwell's correspondent or whom he shall appoint at Edenburgh, to returne them to England for the Duke's vse.

That provision being made ffor what is to be payd for pensions, joynture, and sallaryes, in Scotland, within ten dayes after the generall-receiver shall have in his hands the summe of one hundred pounds sterling, he shall pay the same, as aforesaid, to Alderman Backwell's correspondent or whom he shall appoint, to returne the same hither immediatly for the Duke's vse.

That there be an exact list sent to the Duke's commissioners here of all pensions payd off from the estate of Buccleugh, and the reason why such pensions are allowed, that wee may allowe or cutt them off, as we shall thinke fitt.

That a perfect rentall may be sent vp yearly to the Duke's commissioners here, and that they may be informed what certaine rent shall be returned into England, and that course may be taken to have itt payd quarterly, if itt may be.

That there may bee sent vp to the Duke's commissioners a perfect inventory of all the heirship goods and household stuffs belonging to the ffamily.

That true copies, attested according to the lawes of Scotland to be authentique, of the Duke's enfeofment, his contract of marriage, his seising, his Act of Parliament, and his patent, bee sent vp to his commissioners, to remaine here in their custody.

That the curators correspond with the Duke's commissioners here, to give them a true information, for tyme to tyme, of his affaires.

By his Majestie's command,

C. R. LAUDERDAILL.

407. Establishment of the Duke and Duchess of Buccleuch's servants' wages, board, and liveries.[1]

The Duke of Monmouth's servants' wages, boord wages, and liveries, per annum.

	Sterg. Lib.	s.	d.
A valet de chambre, his wages per annum, ...	0020	00	00
A barber, his wages per annum, ...	0020	00	00
The woman's wages that lookes to his Grace's lodgings in Court, .	0007	00	00
Her boord wages per annum, at 7 per week, ...	0018	04	00
A page, his winter liverie at 12 lib., his summer at 8 lib., which, for 4 pages' summer and winter liverie, mak	0080	00	00
Each page hath 8 shirts in the year, and each shirt at 12s., quhich is 4 lib. 16s., which, for 4 pages, makes, per annum, . .	0019	04	00
Each page in the year hath 9 handkercheifs, at 10s. 6d. the nyne, which, for 4 pages, is 3 dozen, and makes	0002	02	00
For two laced bands in the year for one page, each band at 37s., ffor 4 pages, makes	0007	08	00
For two cravats for each page, at 5s. a peece, makes for 4 pages, being for 8 cravats, ...	0002	00	00
Each page hath a pair of pantaloon stockings, at 30s. a pair, which, for 4 pages, makes	0006	00	00
Each page hath 3 pair of short worsted stockings, at 6s. a pair, which, for four pages, makes	0003	12	00
Each page hath in the year 12 pair of shoes, at 4s. a pair, which, per annum, is 2 lib. 8s., and, for 4 pages, makes . . .	0009	12	00
Each page hath two pair of boots in the year, at 25s. the pair, which, for one page, is 2 lib. 10s., which, for 4 pages, is . .	0010	00	00
Each page hath in the year two hats, at 10s. the hat, which, for 4 pages, makes	0004	00	00
Each page hath in the year 12 pair of gloves, at 1s. the pair, which, for 4 pages, makes	0002	08	00
Each groome hath one liverie in the year, at 10 lib. ane liverie, which, for 4 groomes, is	0040	00	00

[1] Reliquiae Antiquae Scoticae, p. 7.

	Sterg. Lib.	s.	d.
Ffor each groome on hat, at 10s. a hat, which, for 4 groomes, is	0002	00	00
Each groome which resaves his liverie hath one pair of whole stockings, 5s. a pair, and one pair of sturrop-stockings at 3s., which is 8s. to every liverie, and, for 4 groomes, is . . .	0001	12	00
Each groome hath one pair of shoes at 4s. a pair, which, for 4 groomes, makes	0000	16	00
Ffor each footman ane winter liverie at 10 lib., for 6 footmen makes	0060	00	00
Ffor each footman ane summer liverie at 6 lib. a peece, which, for 6 footmen, makes	0036	00	00
Ffor each footman 4 shirts per annum, at 12s. a peece, which, for 6, is	0014	08	00
Each footman hath 6 bands in the year, at 2s. and 4d. a peece, which, for 6 footmen, makes	0004	04	00
Each footman, to find himself shoes and stockings for a year, hath 5 lib., which, for 6 footmen, makes	0030	00	00
Each footman hath two hats in the year, each hat at 8s. a peece, which, for 6 footmen, makes	0004	16	00
Each footman hath 8s. a week for boord wages, which, for 6 footmen, is, per annum, ...	0124	16	00
Each coachman hath a winter liverie at 16 lib., and a summer liverie at 8 lib., which, for two coachmen, makes . . .	0048	00	00
Each postilian hath a winter liverie at 10 lib., and a summer liverie at 5 lib., which, for two postilians, is . . .	0030	00	00
Each groome, at 6 lib. per annum wages, makes, for 4 grooms, .	0024	00	00
Each groome hath boord wages 7s. a week, which per annum makes 18 lib. 4s., and for 4 groomes, ...	0072	16	00
Each coachman hath wages, per annum, 8 lib., quhich for 2 coachmen is, ...	0016	00	00
Each coachman hath 7s. a week boord wages, which is, per annum, 18 lib. 4s., and for 2 coachmen makes	0036	08	00
Each postilian hath boord wages 7s. a week, which is, per annum, 18 lib. 4s., and for two postilians makes	0036	08	00
Each postilian hath for his wages 6 lib., which for 2 makes . .	0012	00	00

	Sterg. Lib.	s.	d.
The porter's liverie at	0016	09	00
His wages per annum, ...	0007	00	00

Wages per annum to the servants of the Dutches of Monmouth.

To the Chaplain agreed with by the Bishop of Canterbury, . .	0050	00	00
To M. Bulteell, my Lady Dutches gentleman, placed there by his Majestie, ...	0060	00	00
To the clerk of the kitchen, ...	0040	00	00
To Mrs. Howard, my Ladyes first gentlewoman, ...	0030	00	00
To Mrs. Mintein, the second gentlewoman, ...	0025	00	00
To the butler, ...	0015	00	00
To a servant under him, ...	0005	00	00
To the cook, ...	0025	00	00
To a servant under him, ...	0005	00	00
To the groome of the chamber, ...	0006	00	00
To the chambermade, ...	0007	00	00
To a woman that keeps the linnen, ...	0005	00	00
To a housemade, ...	0005	00	00
To two laundry mades at 5 lib. per annum, ...	0010	00	00

The Stables.

The stable rent per annum, ...	0260	00	00
Ffor 35 horse meat, bleeding and shoeing, dreaching, &c., at 25 lib. each horse, per annum, is	0875	00	00

Servants entertained at Cheswick.

To 2 gardners their wages, formerly per annum, ...	0026	00	00
Their boord wages, at 7s. a week to each, makes	0036	08	00
To the woman that looks to the house and servants there, her wages, per annum, ...	0010	00	00
Her boord wages at 7s. a week, ...	0018	04	00
Ffor two house maids at 5 lib. per annum wages, ...	0010	00	00
Their boord wages, at 7s. a week, is, per annum, ...	0036	08	00

	Sterg. Lib.	s.	d.
My Lord Duke hath a solicitor appointed by his Majestie.			
The Duke's cloaths, and for his purse, ...	1200	00	00
The Dutches' cloaths, and for her purse, ...	1200	00	00
Mr. Rosse, ...	0100	00	00
The gentleman of the house, ...	0100	00	00
For the table, ...	2000	00	00
There are in the tables 3 helper, each helper hath 6s. a week, which, for 3 helper, makes, per annum, ...	0046	00	00
Summa totalis, . .	£7035	13	00

408. Decreet-Arbitral by King Charles the Second upon the Submission of the Executors of Mary, Countess of Buccleuch. Whitehall, 10th July 1666.

Charles R.

Whereas in the process depending at the instance of the executors of the deceased Mary, Countes of Buccleuch, against the debtors, compearance was made for the Duke and Dutchess of Buccleuch and Monmouth, and their curators, pleading that the soumes of money claymed by the executors, do belong to the Dutches as heire to her sister, and not to the executors; wherevpon the Earles of Rothes and Wemys, only executors and vniversall legators to the said deceased Countes of Buccleuch, being vnwilling to enter into the debate, considering the neer interest wee have in the said Duke and Dutches, and for avoydeing all further question, did humbly submitt to vs their whole interest in the said executrie, to the end that, after pervseall of the case stated for both parties, we may determine and give out a finall sentence as to all the matter in question, promising to abide at what wee shall determine, either as to the matter of right, or what satisfaction salbee given to them for their title and interest, they denudeing themselves thereof in favours of the Duke and Dutchess, and never to quarrell the same in time comeing: as the said submission signed by them at Hallyroudhous, the 19 of July 1665, at more lenth beares.

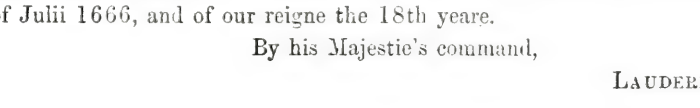
Therefore, vpon mature deliberation, and haveing had the advice of councell learned in the civill law, after pervseall of the case stated by lawyers for both parties, wee do finally decerne and ordaine that the debts due from the Earles of Eglintoun and Southesk, and from Sir Laurence Scott, as also the summes due by the Earle of

Tweddale vpon a wodsett and infeftment, do and ought to belong to the Duke and Dutches of Buccleuch and Monmouth, and not vnto the executors; and that the other bonds, whether such as are moveable bonds, or such as the law of Scotland does account moveable, do and ought to belong to the executors of the deceased Countes of Buccleuch, and not to the heire. This is our finall decree and sentence vpon this matter; and if it be not formally drawne according to law, wee do require the curators of the Duke of Buccleuch and Monmouth to draw it more formall, to the end we may signe it againe: and that it be registrat in the bookes of councell and session, to have the strenth of a decreete. Given at our Court at Whitehall, the 10th day of Julii 1666, and of our reigne the 18th yeare.

By his Majestie's command,

LAUDERDAILL.

409. ENTRY in the JOURNAL by JOHN PATERSON, ARCHBISHOP OF GLASGOW, written 20th February [1696].[1]



The Entry, with contractions, as in original.

Sr J. CORKE, told me that E. Newburgh told him that he was witnes to K. Ch: marriage wth D. Monmuth mother, and that Progers and anoy^r also werr so too.

The Entry with the contractions extended.

SIR J. CORKE told me that Earl Newburgh told him that he was witnes to King Charles marriage with Duke Monmuth mother, and that Progers[2] and another also werr so too.

[1] The Archbishop's Journal is written on interleaved pages in a copy of "Merlinus Liberatus: Being an Almanack for the year of our blessed Saviour's Incarnation, 1696." The original Journal is in the Charter-chest of the Earl of Rosslyn at Dysart House, in the county of Fife.

[2] This obviously refers to Mr. Edward Proger, who was groom of his Majesty's bedchamber in 1663, as appears from the contract of marriage of the Duke of Monmouth, to which he is one of the attesting witnesses, p. 482 of this volume.

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Edinburgh University Press:
THOMAS AND ARCHIBALD CONSTABLE, PRINTERS TO HER MAJESTY.